

**Recommendation of the FCC Disability Advisory Committee
Access to Live Programming Working Group**

Near-Term Efforts to Improve ENT Generated Live Captions

Adopted October 14, 2020

Task

Develop recommendations on best practices for the implementation and use of enhanced Electronic Newsroom Technique (ENT) and other technologies for captioning of, and improving access to, local news and other live television programming, and on effective industry and consumer outreach and education.

Introduction

These recommendations discuss the use of the electronic newsroom technique (“ENT”), a method broadcast stations not affiliated with the four major national broadcast networks (ABC, NBC, CBS, Fox), and affiliates of the four major national broadcast networks outside the 25 largest DMAs (as defined by Nielsen), may use to generate captions for live television news programs by displaying the prewritten script from a teleprompter as closed captions.¹ The Commission’s 2014 Closed Captioning Quality Order explains the best practices for the use of ENT as follows:

In-studio produced programming will be scripted. These scripted elements will include in-studio news, sports, weather, and entertainment programming.

For weather interstitials where there may be multiple segments within a news program, weather information explaining the visual information on the screen and conveying forecast information will be scripted, although the scripts may not precisely track the words used on air.

Pre-produced programming will be scripted (to the extent technically feasible).

If live interviews, live on-the scene and/or breaking news segments are not scripted, stations shall supplement them with crawls, textual information, or other means (to the extent technically feasible).

Stations will provide training to all news staff on scripting for improving ENT.

¹ See 47 C.F.R. § 79.1(e)(3).

Stations will appoint an “ENT Coordinator” accountable for compliance.²

The members of the Committee agree that nothing in this document is intended to prejudice the Commission’s consideration of a pending Petition for Declaratory Ruling and/or Rulemaking from consumer groups and accessibility researchers, which proposes to phase out the use of best practices in favor of technology-neutral metrics for evaluating caption quality,³ or any other matters presently pending before the Commission. Industry groups and certain broadcast representatives on the Committee oppose the Petition.

Consumer groups, accessibility researchers, and the National Association of Broadcasters (NAB) agreed in 2016 to discuss improvements to the quality of ENT.⁴ During these discussions, consumer groups stated, and continue to take the position, that ENT is not an ideal long-term solution for captioning live local news programming.⁵ Based on information available at the time, NAB concurred,⁶ although now takes the position that circumstances could change that support use of ENT for a longer period of time than anticipated in 2016.

During the 2016 conversations, NAB, consumer groups, and accessibility researchers agreed that NAB would craft best practices, which could be used in an educational campaign by NAB to help broadcasters that currently rely on ENT better serve viewers who are deaf or hard of hearing.⁷ Four categories for improvement were identified:

- Improved scripting for weather programming;
- Modifications to caption formatting to maximize readability;
- Spot checks of ENT quality by station personnel; and

² *Closed Captioning of Video Programming, Telecommunications for the Deaf & Hard of Hearing, Inc. Petition for Rulemaking*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd. 2221, 2271-72, ¶ 81 (2014). The Report and Order also provides that “[t]hese provisions do not relieve stations of their obligations to comply with requirements regarding the accessibility of programming providing emergency information under 47 C.F.R. § 79.2.” *Id.*

³ See Petition of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), et al., CG Docket No. 05-231, RM-11848 (July 31, 2019), <https://www.fcc.gov/ecfs/filing/10801131063733>.

⁴ See Ex Parte of TDI, et al., CG Docket No. 05-231 (Feb. 15, 2016), <https://www.fcc.gov/ecfs/filing/60001431265>; Ex Parte of the National Association of Broadcasters (NAB), CG Docket No. 05-231, (Feb. 18, 2016), <https://www.fcc.gov/ecfs/filing/60001483704>.

⁵ TDI Ex Parte at 1.

⁶ *Id.*; NAB Ex Parte at 1.

⁷ TDI Ex Parte at 1; NAB Ex Parte at 2.

- Efforts to improve handling of consumer complaints.⁸

Consumer groups and accessibility researchers on the Committee believe that aspects of the current process for filing a complaint with the Commission or a local broadcast station can be burdensome. Broadcast representatives generally disagree but are amenable to certain changes to these processes. The Commission is currently engaged in improvements to its intake processes and handling processes for complaints related to live programming captions and associated information and functionality on its website, so these recommendations do not address complaints filed with the Commission. The Committee could not reach consensus on recommendations regarding complaints filed with broadcasters.

Finally, the Committee recognizes that if live interviews, live on-the scene, or breaking news segments are not scripted, ENT might not accommodate these situations. These recommendations do not take a position on the use of automated speech recognition (ASR) for unscripted programming because it is a topic that is within the scope of the above-referenced Petition. Without expressing any opinion on whether ASR could or should be used to supplement unscripted portions of ENT-captioned programming, the Committee agrees that there are limited other options for supplementing such programming with textual information. For example, stations often use graphics and crawls to convey the content for some but not all unscripted portions of ENT-captioned programming.

NOW, THEREFORE, IT IS—

1. RECOMMENDED that the Commission:
 - a. Distribute to each broadcast station’s “ENT Coordinator” specified under Rule 79.1(e)(11)(i)(F)⁹ a regularly updated ENT Coordinator Toolkit, in English and Spanish and including an introductory video in ASL by a consumer who is deaf, to be regularly updated by the Commission in collaboration with broadcasters and consumer groups on a regular basis.¹⁰
 - b. Make the Toolkit available on its website and notify stations via public notice and/or by other methods at the Commission’s disposal.
 - c. Research and report on the best way to ensure ENT coordinators are made aware of and using the Toolkit and coordinate with broadcaster trade associations, including the National Association of Broadcasters (NAB), broadcasting companies, and broadcasters to also have such entities disseminate the Toolkit to ENT coordinators.
 - i. All parties on the working group strongly agree that the Toolkit should be distributed and reviewed widely by ENT Coordinators and other television station staff. While there is disagreement within the working group on tracking the receipt and/or review of the Toolkit, the working

⁸ TDI Ex Parte at 1; NAB Ex Parte at 2.

⁹ 47 C.F.R. § 79.1(e)(11)(1)(F).

¹⁰ An initial revision of the Toolkit is attached as Appendix A.

group urges the Commission to consider the options it has at its disposal to facilitate the widest and most comprehensive distribution and review of the Toolkit.

- d. Encourage the improvement of scripting for programming, particularly weather programming, including by:¹¹
 - i. Disseminating as part of the Toolkit an “examples” reel of ENT segments, including weather synopses, developed in coordination with Radio Television Digital News Association (RTDNA), NAB, consumer groups, and accessibility researchers that demonstrates helpful processes to address common viewer experience concerns.
 - ii. Encouraging stations to provide in the script a direct URL to a detailed synopsis of the weather on station’s website—e.g., “More info at station.com/weather.”
 - iii. Encouraging the use of arrows or highlights on maps, the use of full words instead of abbreviations on graphics, the provision of regular updates to textual crawls at specified intervals, and, where necessary, the use of whiteboards or other methods of manually producing text on screen; and
 - iv. Reminding stations of their independent obligations to make emergency information accessible under Rule 79.2.¹²
 - e. Encourage the maximization of readability through the modification of caption formatting, including by:
 - i. Educating weathercasters and newscasters through RTDNA, and otherwise about the effect of teleprompter scrolling on ENT captioning, including specifically educating newsrooms on how scrolling for newscasters’ personal preference affects the viewer experience for ENT.
 - ii. Encouraging the use of top- and bottom-positioning control of captioning when in control of the broadcaster and where possible to avoid captions overlapping with textual crawls, newscasters’ faces, and other on-screen elements.
 - f. Encourage stations to review the quality of ENT-captioned programming on a regular basis, including by having an internal policy for such review that includes station division of labor, type of review (e.g., equipment, methodology, procedure), and timing of sampling.
2. RECOMMENDED that the Commission continue to promote coordination and discussions among industry and consumer groups on initiatives to improve ENT.

¹¹ This recommendation is not intended to suggest a modification of Rule 79.1(e)(11)(i)(B)’s caveat that ENT “scripts [for weather interstitials] may not precisely track the words used on air.”

¹² 47 C.F.R. § 79.2.