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TV TechCheck



The Weekly NAB Newsletter for Television Broadcast Engineers

Broadcasters Must Caption Live Streamed Internet Content Beginning March 30, 2013

FCC rules require that, as of March 30, 2013, TV broadcasters must begin providing Closed Captions on programs that are streamed live (or “near-live”) on the internet simultaneously as they air on television. This rule, for example, would affect stations that live stream their daily news casts. This requirement was adopted by the FCC as a result of the [Twenty-First Century Communications and Video Accessibility Act of 2010 \(CVAA\)](#).

In January 2012, the FCC adopted rules implementing the CVAA’s provisions governing [Internet Protocol \(IP\) closed captioning](#). Among other things, these rules established deadlines for captioning of IP programming that first aired on television with captions. The Rules apply to full length programs only, not clips. The first deadline was September 30, 2012 for pre-recorded programming not edited for IP distribution. March 30, 2013 is for captioning of live or near-live programming and for pre-recorded programming edited for Internet distribution the deadline is September 30, 2013. There are also deadlines for archived IP programming stretching out to March 2016 that must be captioned once those programs air on TV with captions.

The FCC rules define live and near-live as follows:

- **Live programming** means video programming that is shown on television “substantially simultaneously” with its performance. Examples include news, sporting events, and awards shows.
- **Near-live programming** means video programming that is performed and recorded less than 24 hour prior to the time it was first aired on TV. The presence of “pre-recorded elements” in “near-live” programming does not change the nature of such programming. A “pre-recorded” element example is a late-night show that is performed and recorded earlier the same day but that includes a segment that was performed and recorded more than 24 hours prior to its distribution on TV.

Stations that simultaneously live stream their news (or other) programs that air TV with captions should begin discussions with their internet and web service contractors and take appropriate actions to seek live streaming captioning solutions that will allow you to comply with this upcoming March 30, 2013 deadline. The FCC IP captioning fact sheet is [here](#).

Speaking of Captioning...

Does your station air a program that is not captioned because it was exempt or had a pending petition for exemption? On November 14, 2012, the FCC released a Public Notice the lists a number of programs that are now required to be captioned because the producing entities did not take appropriate action regarding their pending applications. On April 2, 2012, the FCC released a Public Notice alerting certain entities that had filed petitions for exemption from the FCC’s closed captioning rules before October 8, 2010, that they need to take specific action by July 5, 2012 to update their pending petitions. The April Public Notice stated that any petitioner that did not take the necessary action by July 5, 2012 would have its pending petition dismissed without prejudice. Click [here](#) to read the FCC’s current Notice for list of petitions (by program) that were dismissed on July 5, pursuant to the procedures described in the April Public Notice. The FCC Public Notice also reminds all petitioners of their obligation to provide closed captioning, which began on July 6, 2012, unless a new petition for exemption has since been filed with the FCC. For more information, television broadcasters should consult with their station counsel.

Important Reminder:

The Commercial Advertisement Loudness Mitigation (CALM) Act's provisions take effect December 12, 2012. See the two TV TechChecks titled [FCC Orders Calm over the Land](#) and [CALM Best Practices; A/85:2011](#) and the [NAB Counsel Memo on CALM Act](#) (The latter document is locked. To view this document you must be an NAB member or register to become an NAB member.)

The key requirement is (unless the station is covered by the waiver provisions):

- Stations must insure that they control the loudness during production of the commercial to your operating loudness level (the dialnorm level that is 'fixed' in the AC-3 encoder) or insure the measured value is the dialnorm value set in the encoder during that commercial period. The measurement equipment can use the BS1770-1 method or the BS1770-2 method, or the BS1770-3 method to measure the loudness, but no other method.

Managing commercials that are included in content delivered to you is more complex. The networks are all aware of and have addressed the loudness of their embedded commercials. However, other providers may be providing you with 'loud' commercials. Content from non-certified sources should be checked for excessive commercial loudness as part of the ingest process. Alternative approaches are outlined in [NAB Labs' Summary of Best Practices](#). A recommended practice to facilitate determining if such providers are sending commercials that are 'too loud' is in the final stages of completion. This recommended practice is being developed in SCTE to cover the 'spot check' provision of the rules for such sources. Each such (uncertified) source will need to be subjected to the 'spot check' process before December 12, 2013.



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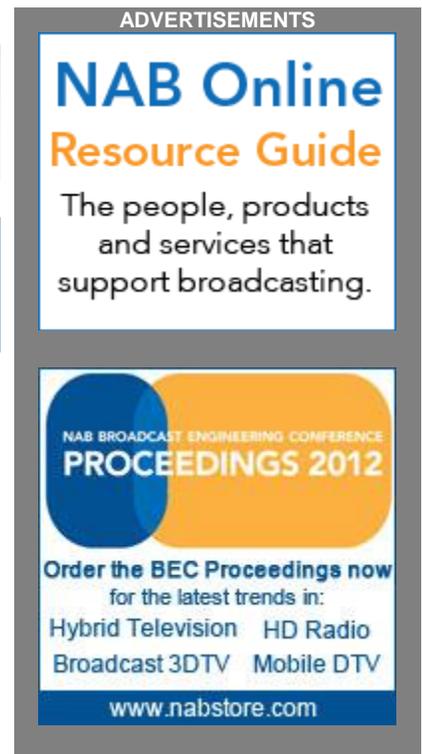
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