

ALERT

Enhanced ENT - Time for a Check Up

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The Federal Communications Commission's (FCC or Commission) *enhanced* Electronic Newsroom Technique (ENT) captioning rules have been in effect for almost a year, and the FCC will soon take action to assess whether continued use of ENT adequately serves the needs of consumers who are deaf or hearing-impaired. ENT is a technique that converts the dialogue included in a teleprompter script into captions. Currently, only the four major national broadcast networks and their affiliates in the Top 25 DMAs are prohibited from using ENT to caption live programming.

The Commission adopted the Enhanced ENT rules in response to caption user complaints about gaps contained in the news, sports, and weather information disseminated to deaf and hearing-impaired television viewers by television stations using ENT captioning. To ensure that stations are implementing Enhanced ENT in a manner that provides caption users with access to the same information contained in the programming audio (thus alleviating the need for a real time captioning requirement), the FCC mandated that the National Association of Broadcasters (NAB) submit a report-by June 30, 2015-detailing whether Enhanced ENT has accomplished its goals. Simultaneously, consumer groups will be presenting their views to the Commission about whether Enhanced ENT has been implemented to appropriately address their concerns. If the FCC finds that Enhanced ENT has not "closed the gaps" in providing caption users with full and equal access to news programming, the agency is likely to move quickly to phase-out permissible use of ENT captioning in some or all DMAs.

The NAB most certainly will reach out to member stations for input as it prepares its report, and consumer groups may spot check ENT-captioned newscasts as they collect data that reflects the consumer

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perspective. Therefore, we encourage you to evaluate and ensure your station's ongoing compliance with the Enhanced ENT rules, to collect any comments you may have received from interaction with the caption user community, and to note any difficulties or efforts made to improve the viewing experience for deaf or hearing-impaired viewers.

In brief, to comply with the Enhanced ENT rules, stations utilizing ENT captioning must:

- Script in-studio produced programming. These scripted elements include in-studio news, sports, weather, and entertainment programming.
- Script or at least thoroughly summarize weather "interstitials." The FCC allows some flexibility given the number of weather segments within a news program, but you must make sure there are captions even if they do not precisely track the words used on air. At a minimum, you must provide captions that describe the audio accompanying the visual information on the screen and convey forecast information.
- Script pre-produced programming segments (to the extent technically feasible).
- Supplement non-scripted live interviews, live on-the scene and/or breaking news segments with crawls, textual information, or other means (to the extent technically feasible).
- Provide training to all news staff on scripting so as to improve ENT captioning.
- Appoint an "ENT Coordinator" accountable for compliance.

Under Enhanced ENT, stations essentially must "script" information disseminated in the audio to the fullest extent possible. Of course, where a reporter arrives live on the scene of a breaking news event and describes what he or she sees, scripting may be impossible. In that case, the FCC requires that the station provide crawls or text in the lower third of the screen to alert caption users of details concerning the breaking news. As a practical matter, if a subsequent segment returns to the reporter for an update, the FCC expects that the reporter will at least send notes in the form of a script back to the station prior to the live shot (assuming broadband is available) so that the follow-up segment will be captioned, even if not verbatim. If a reporter is conducting a live interview, whether in-studio or on-scene, the FCC expects that highlights of the answers to questions posed, *e.g.*, "Mayor announces he will not seek re-election," appear in crawls or other visuals.

Importantly, stations must continue to comply with requirements regarding the accessibility of *emergency information* as they always have. There are other types of breaking news events (*e.g.*, release of Deflate-gate report; Huckabee entering the Presidential race) that may not rise to the level of emergency information where the FCC will expect, under Enhanced ENT, that caption users will have access to the information, whether through ENT captions or other visuals, at the same time it is available to hearing viewers.

Please contact us if you have any questions about your station's implementation of the Enhanced ENT requirements.