

**Institute for Public Representation**  
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600 New Jersey Ave. NW  
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December 20, 2012

*via certified mail, e-mail, and electronic filing*

Kris Monteith, Acting Bureau Chief  
Greg Hlibok, Chief, Disability Rights Office  
Sharon Bowers, Chief, Consumer Inquiries & Complaints Division  
Consumer and Governmental Affairs Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Informal Complaint Alleging Violation of the Commission's Internet Protocol  
Closed Captioning Rules by Amazon.com, Inc.**

Dear Ms. Monteith, Mr. Hlibok, and Ms. Bowers:

Pursuant to 47 C.F.R. § 79.4(e), Telecommunications for the Deaf and Hard of Hearing Inc., (TDI), the National Association of the Deaf (NAD), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), the Association of Late-Deafened Adults (ALDA), the Hearing Loss Association of America (HLAA), the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), and the Cerebral Palsy and Deaf Organization (CPADO), collectively, "Consumer Groups," respectfully submit this complaint alleging repeated violations of the Commission's Internet Protocol ("IP") closed captioning rules, 47 C.F.R. § 79.4, by Amazon.com, Inc ("Amazon"). By failing to enable the rendering or pass through of captions for programming subject to Rule 79.4(b)(1), Amazon has failed to meet its obligations under Rule 79.4(b)(1) and (c)(2)(i). We recommend that the Commission issue the maximum possible forfeiture against Amazon, grant injunctive relief requiring Amazon to immediately comply with the IP closed captioning rules, and establish daily base forfeitures for subsequent violations of the rules by Amazon.

## Complaint

Between the dates of October 8, 2012 and November 9, 2012, Dr. Christian Vogler of Gallaudet University and Jessica Lee of the Institute for Public Representation at Georgetown Law observed each day up to 72 video programs delivered by Amazon's "Instant Video" IP video delivery service, including popular programs such as *Fringe*, *CSI: NY*, *Law and Order: Special Victims Unit*, and *Revolution*.<sup>1</sup> Each day, at least one and as many as eighteen of these programs were delivered by Amazon without captions, in apparent violation of Rule 79.4(c)(2)(i).

More specifically, Rule 79.4(c)(2)(i) requires video programming distributors ("VPDs") and video programming providers ("VPPs") to "enable the rendering or pass through of all required captions to the end user." Rule 79.4(a)(3) defines VPDs and VPPs as "[a]ny person or entity that makes available directly to the end user video programming through a distribution method that uses Internet protocol." Amazon qualifies as a VPD or VPP because it allows users to "rent or own" video programming delivered via IP through its Instant Video service.<sup>2</sup>

Rules 79.4(b)(1) requires all non-exempt, full-length, prerecorded video programming that is not edited for Internet distribution to be provided with closed captions if it is published or exhibited on television in the United States on television on or after September 30, 2012, unless it is subject to Rule 79.4(b)(4). We believe that each of the programs we observed was subject to rule 79.4(b)(1) because:

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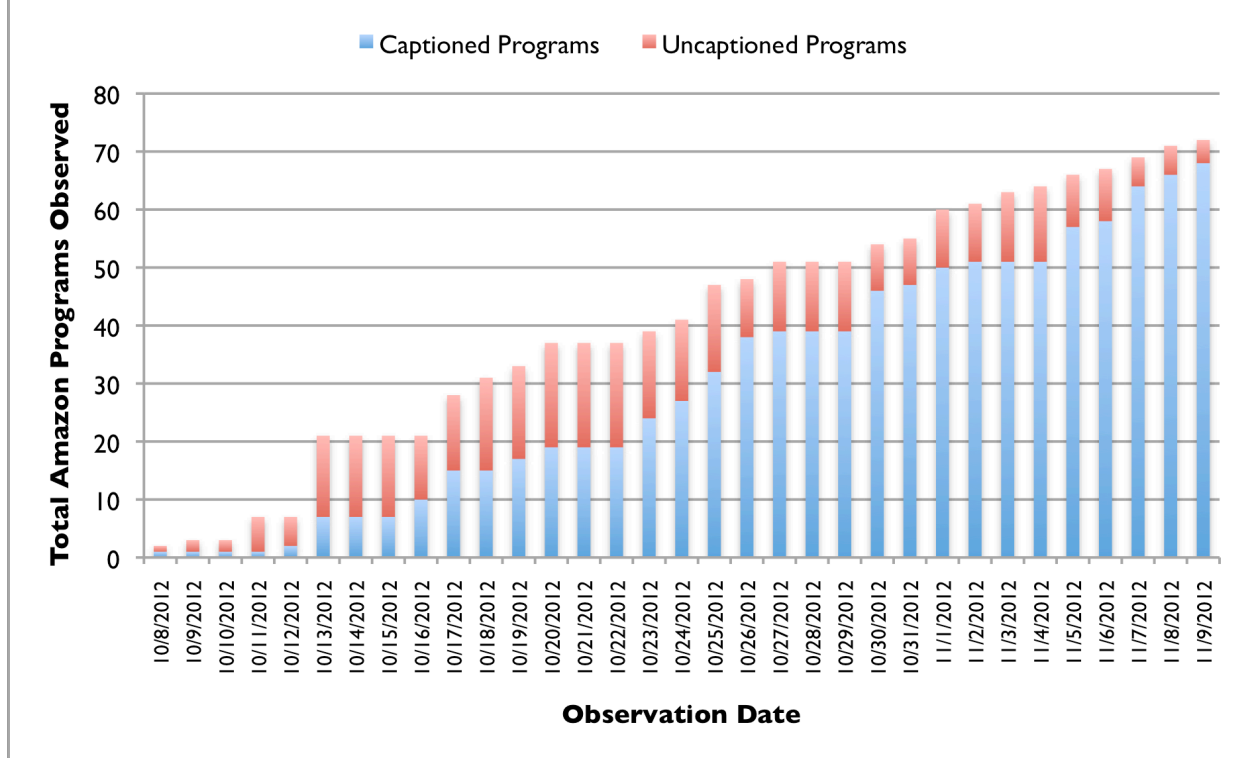
<sup>1</sup> These programs are each detailed in the attached Appendix, which include the programs' title, season, episode, date of exhibition on television, and date of observation. The observations were variously conducted on an Apple MacBook Air running OS X Lion, an Apple iMac running OS X Snow Leopard, an Apple MacBook Pro running OS X Leopard, using Amazon's website through the Google Chrome and Firefox web browsers, and on a Kindle Fire using the native Amazon video player.

<sup>2</sup> See *Amazon Instant Video: Getting Started*, [http://www.amazon.com/gp/feature.html/ref=sv\\_mov\\_aiv\\_2?ie=UTF8&docId=1000739191](http://www.amazon.com/gp/feature.html/ref=sv_mov_aiv_2?ie=UTF8&docId=1000739191) (last visited Dec. 16, 2012).

- It was not apparently exempt under Rule 79.4(d) and thus constituted non-exempt programming under Rule 79.4(a)(14);
- It was programming provided by, or generally considered comparable to programming provided by, a television broadcast station and therefore constituted video programming under Rule 79.4(a)(1);
- It appeared on television and was distributed to end users, substantially in its entirety, via IP, under the meaning of Rule 79.4(a)(5), was not a video clip under the meaning of Rule 79.4(a)(12), was not an outtake under the meaning of Rule 79.4(a)(13), and therefore constituted full-length video programming under Rule 79.4(a)(2);
- It constituted prerecorded programming under Rule 79.4(a)(9) because it was not live programming under the meaning of Rule 79.4(a)(7) or near-live programming under the meaning of Rule 79.4(a)(8);
- It was not edited for Internet distribution under Rule 79.4(a)(10);
- It was published or exhibited on television in the United States on or after September 30th, 2012; and
- It was not included in Amazon's library before it was shown on television with captions, and therefore was not subject to Rule 79.4(b)(4).

During more than 350 observations of the 72 programs detailed in the attached Appendix, Amazon provided no apparent means of enabling the rendering or pass through of captions as required under Rule 79.1(c)(2)(i). These results are summarized in Figure 1 below:

**Figure I—Overview of Amazon Programs Observed from 10/8/12-11/9/12**



While Amazon eventually enabled the rendering of captions on all but four of the 72 programs by November 9, 2012, Amazon initially made 49 of the programs available without providing captions. The median time that passed between when Amazon initially made programs available for delivery and when Amazon provided the programs with captions was 2.5 days, and some programs were distributed without captions for as long as 23 days. As the Commission has made clear, there is no grace period for captioning for non-archival programming, and “once a deadline has been reached for a particular category of programming, the content must be captioned immediately when delivered via IP.”<sup>3</sup> And even when Amazon eventually added

<sup>3</sup> *Closed Captioning of Internet Protocol-Delivered Video Programming*, Report and Order MB Docket No. 11-154, 27 FCC Rcd. 787, 820, ¶ 51 (Jan. 13, 2012) (“*IP Captioning Order*”). Dr. Vogler and Ms. Lee also spot-checked the delivery of several of the programs through services provided by VPDs other than Amazon to ensure that the programs’ VPOs were making captions available to VPDs as required by Rule 79.4(c)(1)(i). For

captions to programs on its website, we noted that in at least some instances Amazon failed to enable captions for those same programs viewed on Amazon's Kindle Fire tablet device.

The Twenty-First Century Communications and Video Accessibility Act ("CVAA") and the Commission's IP captioning rules represent a critical step in the decades-long effort to establish equal access to video programming as a civil right for Americans who are deaf or hard of hearing, and cannot be ignored with impunity or enforced with insufficient remedies that permit companies to engage in noncompliance as a tolerable cost of doing business. As the Commission has noted, violations of the rules are subject to "the full range of sanctions and remedies available" under the Communications Act of 1934 and 47 C.F.R. § 1.80.<sup>4</sup>

We note that Amazon's violations are exacerbated by their apparent willfulness. Amazon is a member of the Digital Media Association (DiMA),<sup>5</sup> which petitioned the Commission on behalf of its members other than Apple, Inc. and Google to delay the obligations of certain VPDs to render captions under Rule 79.4(c)(2)(i) for more than a year and a half.<sup>6</sup> The Media Bureau denied the petition in August, more than four

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example, on October 19, 2012, we observed on the Hulu, Amazon, and ABC websites *Grey's Anatomy*, Season 9, Episode 3, originally published on television on October 18, 2012. While both Hulu and ABC displayed captions, Amazon did not. In every case where Amazon did not provide captions, at least some other VPDs provided them. We acknowledge the remote possibility that Amazon may have relied on an erroneous certification from the video programming owners ("VPOs") of the programs that they did not need to be captioned, in which case those VPOs may have failed to satisfy their obligations to send the programs with captions under Rule 79(c)(1)(i). If that is the case, Amazon must produce a certification including a clear and concise explanation of why the programs were not captioned to comply with the requirements of Rule 79.4(c)(2)(ii)(B).

<sup>4</sup> 47 C.F.R. § 79.4(e)(7); *IP Captioning Order*, 27 FCC Rcd. at 836, ¶ 86.

<sup>5</sup> DiMA Members, <http://www.digmedia.org/about-dima/members> (last visited Dec. 16, 2012).

<sup>6</sup> *DiMA Petition*, MB Docket No. 11-154 (May 8, 2012), <http://apps.fcc.gov/ecfs/document/view?id=7021917008>.

months ago, acknowledging that “VPDs have been aware of the [caption] rendering requirement since Congress passed the CVAA in October 2010.”<sup>7</sup> The Bureau noted that granting DiMA’s petition would “cause captions to be entirely inaccessible to end users of certain IP-delivered video programming until January 1, 2014,” a result that “would not serve the public interest.”<sup>8</sup> The Bureau also rejected DiMA’s claim that VPDs were not aware of the impending applicability of the IP captioning rules, noting that the initial September 30, 2012 deadline was based on the recommendations of the Video Programming Accessibility Advisory Committee (“VPAAC”),<sup>9</sup> of which DiMA itself is a member.<sup>10</sup>

Because Amazon and its fellow DiMA members were on notice of the impending approach of the IP captioning rules for nearly two years when the rules went into effect, Amazon’s repeated violations of Rule 79.4(c)(2)(i) demonstrate a pattern of willful and brazen noncompliance that cannot be excused by mere ignorance or mistake. Accordingly, we urge the Commission to issue the maximum possible forfeiture against Amazon, grant injunctive relief requiring Amazon to immediately comply with the IP closed captioning rules, and establish daily base forfeitures for subsequent violations of the rules by Amazon.

Pursuant to Rule 79.4(e)(1), this complaint has been timely filed in writing with the Commission, directed to the Consumer and Governmental Affairs Bureau, via certified U.S. mail, and will be posted to the Commission’s Electronic Comment Filing

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<sup>7</sup> *Closed Captioning of Internet Protocol-Delivered Video Programming, Petitions for Temporary Partial Exemption or Limited Waiver*, MB Docket No. 11-154, 27 FCC Rcd. 9630, 9638-39, ¶ 16 (August 17, 2012).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 9639, ¶ 17.

<sup>10</sup> *VPAAC Members*, <http://www.fcc.gov/encyclopedia/vpaac-members> (last visited Dec. 16, 2012).

System (ECFS) under MB Docket No. 11-154.<sup>11</sup> This complaint also has been timely filed in writing with Amazon via certified U.S. mail and e-mail to the legal representative listed on Amazon's website:

Michael Callahan  
Amazon  
PO Box 81226  
Seattle, WA 98108  
mcall@amazon.com  
206-266-1000<sup>12</sup>

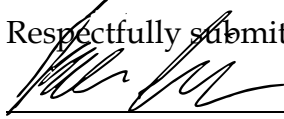
Pursuant to Rule 79.4(e)(2)(ii)-(v), we believe that this complaint and the attached Appendix contains sufficient information to identify and contact Amazon, to identify the video programming involved in the complaint, to identify the software and devices used to view the programming, a statement of facts sufficient to show that Amazon has violated the Commission's rules and the dates of the alleged violations, and the specific relief sought by the Consumer Groups. Pursuant to Rule 79.4(e)(2)(i) and (vi), we would prefer to receive a response via e-mail directed to the addresses listed below, and we ask that Amazon post a copy of its response to ECFS.

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<sup>11</sup> Pursuant to Rule 79.4(e)(1), this complaint is directed only toward violations that occurred within 60 days prior to its filing. To the extent that earlier violations are documented, they are provided solely to aid the Commission's investigation and imposition of sanctions.

<sup>12</sup> Amazon, *Watching Videos with Closed Captions*, [http://www.amazon.com/gp/help/customer/display.html/ref=hp\\_200238920\\_cc?nodeId=200238920#cc](http://www.amazon.com/gp/help/customer/display.html/ref=hp_200238920_cc?nodeId=200238920#cc) (last visited Dec. 16, 2012).

Respectfully submitted,



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Blake E. Reid†  
*Counsel to TDI*

December 20, 2012

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Cc:

Chairman Julius Genachowski  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Robert McDowell  
Commissioner Ajit Pai  
Lyle Elder, Office of Chairman Genachowski  
Priscilla Argeris, Office of Commissioner Rosenworcel  
Dave Grimaldi, Office of Commissioner Clyburn  
Erin McGrath, Office of Commissioner McDowell  
Matthew Berry, Office of Commissioner Pai  
William Lake, Media Bureau  
Diana Sokolow, Media Bureau  
Jeffrey Neumann, Media Bureau  
Karen Peltz Strauss, Consumer and Governmental Affairs Bureau  
Eliot Greenwald, Consumer and Governmental Affairs Bureau  
Rosaline Crawford, Consumer and Governmental Affairs Bureau

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† Counsel thanks Georgetown Law student Jessica Lee for her assistance in preparing this document.



**Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)**

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**National Association of the Deaf (NAD)**

Howard Rosenblum, Chief Executive Officer • [howard.rosenblum@nad.org](mailto:howard.rosenblum@nad.org)  
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8630 Fenton Street, Suite 820, Silver Spring, MD 20910  
301.587.1788  
[www.nad.org](http://www.nad.org)

**Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)**

Cheryl Heppner, Vice Chair • [CHEppner@nvrc.org](mailto:CHEppner@nvrc.org)  
3951 Pender Drive, Suite 130, Fairfax, VA 22030

**Association of Late-Deafened Adults (ALDA)**

*Contact:* Brenda Estes, President • [bestes@endependence.org](mailto:bestes@endependence.org)  
8038 Macintosh Lane, Suite 2, Rockford, IL 61107

**Hearing Loss Association of America (HLAA)**

Brenda Battat, Executive Director • [Battat@Hearingloss.org](mailto:Battat@Hearingloss.org)  
*Contact:* Lise Hamlin, Director of Public Policy, [LHamlin@Hearingloss.org](mailto:LHamlin@Hearingloss.org)  
7910 Woodmont Avenue, Suite 1200, Bethesda, MD 20814  
301.657.2248  
[www.hearingloss.org](http://www.hearingloss.org)

**California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH)**

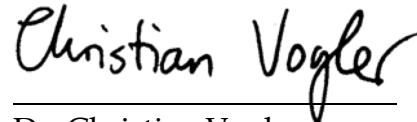
*Contact:* Sheri A. Farinha, Vice Chair • [SFarinha@norcalcenter.org](mailto:SFarinha@norcalcenter.org)  
4708 Roseville Rd, Ste. 111, North Highlands, CA 95670  
916.349.7500

**Cerebral Palsy and Deaf Organization (CPADO)**

*Contact:* Mark Hill, President • [deafhill@gmail.com](mailto:deafhill@gmail.com)  
1219 NE 6th Street #219, Gresham, OR 97030  
503.468.1219

## CERTIFICATION

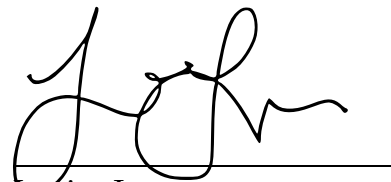
Pursuant to 47 C.F.R. § 1.16, I, Dr. Christian Vogler, hereby certify under penalty of perjury that to the extent there are any facts or considerations not already in the public domain which have been relied on in the foregoing document, these facts and considerations are true and correct to the best of my knowledge.



Dr. Christian Vogler  
December 20, 2012

SLCC 1116, Gallaudet University  
800 Florida Avenue NE  
Washington, DC 20002  
202.250.2795  
christian.vogler@gallaudet.edu

Pursuant to 47 C.F.R. § 1.16, I, Jessica Lee, hereby certify under penalty of perjury that to the extent there are any facts or considerations not already in the public domain which have been relied on in the foregoing document, these facts and considerations are true and correct to the best of my knowledge.



Jessica Lee  
December 20, 2012

## CERTIFICATE OF SERVICE

I, Niko Perazich, Office Manager, Institute for Public Representation, do hereby certify that, on December 20, 2012, a copy of the foregoing complaint was served by first class U.S. mail, postage prepaid, and e-mail upon:

Michael Callahan  
Amazon  
PO Box 81226  
Seattle, WA 98108  
mcall@amazon.com  
206-266-1000



Niko Perazich

December 20, 2012

### Appendix—Amazon Observations

	Show	Fringe				CSI NY				
	Season/ Episode	S5E2	S5E3	S5E4	S5E5	S9E2	S9E3	S9E4	S9E5	S9E6
	TV Air Date	10/5/2012	10/12/2012	10/26/2012	11/2/2012	10/5/2012	10/12/2012	10/19/2012	10/26/2012	11/2/2012
Show is not captioned	Observation Date									
Show is captioned	10/8/2012									
	10/9/2012									
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012									
	10/11/2012									
	10/12/2012									
	10/13/2012	Y	N			N	N			
	10/14/2012	Y	N			N	N			
	10/15/2012	Y	N			N	N			
	10/16/2012	Y	N			N	Y			
	10/17/2012	Y	N			Y	Y			
	10/18/2012	Y	N			Y	Y			
	10/19/2012	Y	N			Y	Y			
	10/20/2012	Y	N			Y	Y	N		
	10/21/2012	Y	N			Y	Y	N		
	10/22/2012	Y	N			Y	Y	N		
	10/23/2012	Y	N			Y	Y	Y		
	10/24/2012	Y	Y			Y	Y	Y		
	10/25/2012	Y	Y			Y	Y	Y		
	10/26/2012	Y	Y			Y	Y	Y		
	10/27/2012	Y	Y	N		Y	Y	Y	N	
	10/28/2012	Y	Y	N		Y	Y	Y	N	
	10/29/2012	Y	Y	N		Y	Y	Y	N	
	10/30/2012	Y	Y	Y		Y	Y	Y	Y	
	10/31/2012	Y	Y	Y		Y	Y	Y	Y	
	11/1/2012	Y	Y	Y		Y	Y	Y	Y	
	11/2/2012	Y	Y	Y		Y	Y	Y	Y	
	11/3/2012	Y	Y	Y	N	Y	Y	Y	Y	
	11/4/2012	Y	Y	Y	N	Y	Y	Y	Y	N
	11/5/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y
	11/6/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y
	11/7/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y
	11/8/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y
	11/9/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y
	<b>Total Uncaptioned Days</b>	<b>0</b>	<b>11</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>1</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.

### Appendix—Amazon Observations

	Show	Revenge					Switched at Birth		
	Season/ Episode	S2E2	S2E3	S2E4	S2E5	S2E6	S1E28	S1E29	S1E30
	TV Air Date	10/7/2012	10/14/2012	10/21/2012	10/28/2012	11/4/2012	10/8/2012	10/15/2012	10/22/2012
Show is not captioned	Observation Date								
	10/8/2012	N							
Show is captioned	10/9/2012	N					N		
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012	N					N		
	10/11/2012	N					N		
	10/12/2012	Y					N		
	10/13/2012	Y					N		
	10/14/2012	Y					N		
	10/15/2012	Y					N		
	10/16/2012	Y					N		
	10/17/2012	Y	Y				N	N	
	10/18/2012	Y	Y				N	N	
	10/19/2012	Y	Y				N	N	
	10/20/2012	Y	Y				N	N	
	10/21/2012	Y	Y				N	N	
	10/22/2012	Y	Y				N	N	
	10/23/2012	Y	Y				Y	Y	N
	10/24/2012	Y	Y	N			Y	Y	N
	10/25/2012	Y	Y	N			Y	Y	N
	10/26/2012	Y	Y	Y			Y	Y	N
	10/27/2012	Y	Y	Y			Y	Y	N
	10/28/2012	Y	Y	Y			Y	Y	N
	10/29/2012	Y	Y	Y			Y	Y	N
	10/30/2012	Y	Y	Y	Y		Y	Y	N
	10/31/2012	Y	Y	Y	Y		Y	Y	N
	11/1/2012	Y	Y	Y	Y		Y	Y	N
	11/2/2012	Y	Y	Y	Y		Y	Y	N
	11/3/2012	Y	Y	Y	Y		Y	Y	N
	11/4/2012	Y	Y	Y	Y		Y	Y	N
	11/5/2012	Y	Y	Y	Y	Y	Y	Y	N
	11/6/2012	Y	Y	Y	Y	Y	Y	Y	N
	11/7/2012	Y	Y	Y	Y	Y	Y	Y	Y
	11/8/2012	Y	Y	Y	Y	Y	Y	Y	Y
	11/9/2012	Y	Y	Y	Y	Y	Y	Y	Y
	<b>Total Uncaptioned Days</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>6</b>	<b>15</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.

### Appendix—Amazon Observations

Show	Guys with Kids					Law and Order SVU				
	Season/ Episode	SIE3	SIE4	SIE5	SIE6	Kids SIE7	S14E2	S14E3	SVU S14E4	SVU S14E5
TV Air Date	10/3/2012	10/10/2012	10/17/2012	10/24/2012	10/31/2012	10/10/2012	10/17/2012	10/24/2012	10/31/2012	
Show is not captioned	<b>Observation Date</b>									
Show is captioned	10/8/2012									
	10/9/2012									
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012									
	10/11/2012	N	N				N			
	10/12/2012	N	N				N			
	10/13/2012	N	N				N			
	10/14/2012	N	N				N			
	10/15/2012	N	N				N			
	10/16/2012	N	N				N			
	10/17/2012	N	N				N			
	10/18/2012	N	N	N			N	N		
	10/19/2012	N	N	N			N	N		
	10/20/2012	N	N	N			N	N		
	10/21/2012	N	N	N			N	N		
	10/22/2012	N	N	N			N	N		
	10/23/2012	N	N	N			N	Y		
	10/24/2012	N	N	N			N	Y		
	10/25/2012	Y	N	N	N		N	Y	N	
	10/26/2012	Y	N	N	N		Y	Y	Y	
	10/27/2012	Y	N	N	N		Y	Y	Y	
	10/28/2012	Y	N	N	N		Y	Y	Y	
	10/29/2012	Y	N	N	N		Y	Y	Y	
	10/30/2012	Y	Y	N	N		Y	Y	Y	
	10/31/2012	Y	Y	N	N		Y	Y	Y	
	11/1/2012	Y	Y	N	Y	N	Y	Y	Y	Y
11/2/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/3/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/4/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/5/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/6/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/7/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/8/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
11/9/2012	Y	Y	N	Y	Y	Y	Y	Y	Y	
<b>Total Uncaptioned Days</b>	<b>14</b>	<b>19</b>	<b>23</b>	<b>7</b>	<b>1</b>	<b>15</b>	<b>5</b>	<b>1</b>	<b>0</b>	

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.

### Appendix—Amazon Observations

	Show	Nashville					Bones		
	Season/ Episode	SIE1	SIE2	SIE3	SIE4	SIE5	S8E3	S8E4	S8E5
	TV Air Date	10/10/2012	10/17/2012	10/24/2012	10/31/2012	11/7/2012	10/1/2012	10/8/2012	11/5/2012
Show is not captioned	Observation Date								
	10/8/2012						Y		
Show is captioned	10/9/2012						Y		
	10/10/2012						Y		
Show not on TV, not on Amazon, not observed, or status unknown	10/11/2012	N					Y		
	10/12/2012	N					Y		
	10/13/2012	N					Y	Y	
	10/14/2012	N					Y	Y	
	10/15/2012	N					Y	Y	
	10/16/2012	N					Y	Y	
	10/17/2012	N					Y	Y	
	10/18/2012	N	N				Y	Y	
	10/19/2012	N	Y				Y	Y	
	10/20/2012	N	Y				Y	Y	
	10/21/2012	N	Y				Y	Y	
	10/22/2012	N	Y				Y	Y	
	10/23/2012	Y	Y				Y	Y	
	10/24/2012	Y	Y				Y	Y	
	10/25/2012	Y	Y	N			Y	Y	
	10/26/2012	Y	Y	Y			Y	Y	
	10/27/2012	Y	Y	Y			Y	Y	
	10/28/2012	Y	Y	Y			Y	Y	
	10/29/2012	Y	Y	Y			Y	Y	
	10/30/2012	Y	Y	Y			Y	Y	
10/31/2012	Y	Y	Y			Y	Y		
11/1/2012	Y	Y	Y	N		Y	Y		
11/2/2012	Y	Y	Y	N		Y	Y		
11/3/2012	Y	Y	Y	N		Y	Y		
11/4/2012	Y	Y	Y	N		Y	Y		
11/5/2012	Y	Y	Y	N		Y	Y		
11/6/2012	Y	Y	Y	N		Y	Y	N	
11/7/2012	Y	Y	Y	N		Y	Y	N	
11/8/2012	Y	Y	Y	N	Y	Y	Y	N	
11/9/2012	Y	Y	Y	N	Y	Y	Y	N	
	<b>Total Uncaptioned Days</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.

### Appendix—Amazon Observations

	Show	Hoarders					American Chopper					
	Season/ Episode	S6E3	S6E4	S6E5	S6E6	S6E7	S4E5	S4E6	S4E7	S4E8	S4E9	S4E10
	TV Air Date	10/1/2012	10/8/2012	10/15/2012	10/22/2012	10/29/2012	10/1/2012	10/8/2012	10/15/2012	10/22/2012	10/29/2012	11/5/2012
Show is not captioned	Observation Date											
Show is captioned	10/8/2012											
	10/9/2012											
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012											
	10/11/2012											
	10/12/2012											
	10/13/2012	N	N				Y	N				
	10/14/2012	N	N				Y	N				
	10/15/2012	N	N				Y	N				
	10/16/2012	N	N				Y	Y				
	10/17/2012	N	N	N			Y	Y	Y			
	10/18/2012	N	N	N			Y	Y	Y			
	10/19/2012	N	N	N			Y	Y	Y			
	10/20/2012	N	N	N			Y	Y	Y			
	10/21/2012	N	N	N			Y	Y	Y			
	10/22/2012	N	N	N			Y	Y	Y			
	10/23/2012	N	N	N	N		Y	Y	Y			
	10/24/2012	Y	N	N	N		Y	Y	Y			
	10/25/2012	Y	N	N	Y		Y	Y	Y			
	10/26/2012	Y	Y	Y	Y		Y	Y	Y			
	10/27/2012	Y	Y	Y	Y		Y	Y	Y			
	10/28/2012	Y	Y	Y	Y		Y	Y	Y			
	10/29/2012	Y	Y	Y	Y		Y	Y	Y			
	10/30/2012	Y	Y	Y	Y	Y	Y	Y	Y			
	10/31/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y		
	11/1/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y		
	11/2/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
	11/3/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
	11/4/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
	11/5/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
	11/6/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
	11/7/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	11/8/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	11/9/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	<b>Total Uncaptioned Days</b>	<b>11</b>	<b>13</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.



### Appendix—Amazon Observations

	Show	Revolution					Alphas			
	Season/ Episode	SIE3	SIE4	SIE5	SIE6	SIE7	S2E10	S2E11	S2E12	S2E13
	<b>TV Air Date</b>	10/1/2012	10/8/2012	10/15/2012	10/29/2012	11/5/2012	10/1/2012	10/8/2012	10/15/2012	10/22/2012
<b>Show is not captioned</b>	<b>Observation Date</b>									
<b>Show is captioned</b>	10/8/2012									
	10/9/2012									
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012									
	10/11/2012									
	10/12/2012									
	10/13/2012	Y	Y				N	N		
	10/14/2012	Y	Y				N	N		
	10/15/2012	Y	Y				N	N		
	10/16/2012	Y	Y				N	N		
	10/17/2012	Y	Y	Y			N	N	N	
	10/18/2012	Y	Y	Y			N	N	N	
	10/19/2012	Y	Y	Y			N	N	N	
	10/20/2012	Y	Y	Y			N	N	N	
	10/21/2012	Y	Y	Y			N	N	N	
	10/22/2012	Y	Y	Y			N	N	N	
	10/23/2012	Y	Y	Y			N	N	N	
	10/24/2012	Y	Y	Y			N	N	N	N
	10/25/2012	Y	Y	Y			N	N	N	N
	10/26/2012	Y	Y	Y			N	N	N	N
	10/27/2012	Y	Y	Y			N	N	N	N
	10/28/2012	Y	Y	Y			N	N	N	N
	10/29/2012	Y	Y	Y			N	N	N	N
	10/30/2012	Y	Y	Y	Y		N	N	N	N
	10/31/2012	Y	Y	Y	Y		N	N	N	N
	11/1/2012	Y	Y	Y	Y		N	N	N	N
	11/2/2012	Y	Y	Y	Y		N	N	N	N
	11/3/2012	Y	Y	Y	Y		N	N	N	N
	11/4/2012	Y	Y	Y	Y		N	N	N	N
	11/5/2012	Y	Y	Y	Y		N	N	N	N
	11/6/2012	Y	Y	Y	Y		N	N	N	N
	11/7/2012	Y	Y	Y	Y	Y	N	Y	N	Y
	11/8/2012	Y	Y	Y	Y	Y	N	Y	N	Y
	11/9/2012	Y	Y	Y	Y	Y	N	Y	Y	Y
	<b>Total Uncaptioned Days</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>25</b>	<b>23</b>	<b>14</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.

### Appendix—Amazon Observations

	Show	Breaking Amish				Grey's Anatomy			
	Season/ Episode	SIE5	SIE6	SIE8	SIE9	S9E2	S9E3	S9E4	S9E5
	TV Air Date	10/7/2012	10/14/2012	10/28/2012	11/4/2012	10/4/2012	10/18/2012	10/25/2012	11/8/2012
Show is not captioned	Observation Date								
Show is captioned	10/8/2012								
	10/9/2012								
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012								
	10/11/2012								
	10/12/2012								
	10/13/2012	N							
	10/14/2012	N							
	10/15/2012	N							
	10/16/2012	Y							
	10/17/2012	Y	Y						
	10/18/2012	Y	Y						
	10/19/2012	Y	Y			Y	N		
	10/20/2012	Y	Y			Y	Y		
	10/21/2012	Y	Y			Y	Y		
	10/22/2012	Y	Y			Y	Y		
	10/23/2012	Y	Y			Y	Y		
	10/24/2012	Y	Y			Y	Y		
	10/25/2012	Y	Y			Y	Y		
	10/26/2012	Y	Y			Y	Y	N	
	10/27/2012	Y	Y			Y	Y	Y	
	10/28/2012	Y	Y			Y	Y	Y	
	10/29/2012	Y	Y			Y	Y	Y	
	10/30/2012	Y	Y			Y	Y	Y	
	10/31/2012	Y	Y			Y	Y	Y	
	11/1/2012	Y	Y	N		Y	Y	Y	
	11/2/2012	Y	Y	N		Y	Y	Y	
	11/3/2012	Y	Y	N		Y	Y	Y	
	11/4/2012	Y	Y	N		Y	Y	Y	
	11/5/2012	Y	Y	Y	N	Y	Y	Y	
	11/6/2012	Y	Y	Y	Y	Y	Y	Y	
	11/7/2012	Y	Y	Y	Y	Y	Y	Y	
	11/8/2012	Y	Y	Y	Y	Y	Y	Y	
	11/9/2012	Y	Y	Y	Y	Y	Y	Y	Y
	<b>Total Uncaptioned Days</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.

### Appendix—Amazon Observations

Show		Grimm					Arrow				
Season/ Episode	S2E6	S2E7	S2E8	S2E9	S2E10	S1E1	S1E2	S1E3	S1E4	S1E5	
TV Air Date	10/5/2012	10/12/2012	10/19/2012	10/26/2012	11/2/2012	10/10/2012	10/17/2012	10/24/2012	10/31/2012	11/7/2012	
Show is not captioned	<b>Observation Date</b>										
Show is captioned	10/8/2012										
	10/9/2012										
Show not on TV, not on Amazon, not observed, or status unknown	10/10/2012										
	10/11/2012										
	10/12/2012										
	10/13/2012										
	10/14/2012										
	10/15/2012										
	10/16/2012										
	10/17/2012										
	10/18/2012										
	10/19/2012										
	10/20/2012	N	Y	N							
	10/21/2012	N	Y	N							
	10/22/2012	N	Y	N							
	10/23/2012	N	Y	N							
	10/24/2012	N	Y	Y							
	10/25/2012	Y	Y	Y			Y	Y	N		
	10/26/2012	Y	Y	Y			Y	Y	N		
	10/27/2012	Y	Y	Y	N		Y	Y	N		
	10/28/2012	Y	Y	Y	N		Y	Y	N		
10/29/2012	Y	Y	Y	N		Y	Y	N			
10/30/2012	Y	Y	Y	N		Y	Y	Y			
10/31/2012	Y	Y	Y	N		Y	Y	Y			
11/1/2012	Y	Y	Y	Y		Y	Y	Y	N		
11/2/2012	Y	Y	Y	Y		Y	Y	Y	N		
11/3/2012	Y	Y	Y	Y	N	Y	Y	Y	N		
11/4/2012	Y	Y	Y	Y	N	Y	Y	Y	N		
11/5/2012	Y	Y	Y	Y	N	Y	Y	Y	Y		
11/6/2012	Y	Y	Y	Y	N	Y	Y	Y	Y		
11/7/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y		
11/8/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y		
11/9/2012	Y	Y	Y	Y	Y	Y	Y	Y	Y		
<b>Total Uncaptioned Days</b>		<b>5</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>4</b>	<b>0</b>

Note: Because we observed programs only once per day, the appearance of closed captions may be noted up to 24 hours after their actual provision by Amazon.