

November 11, 2021

Ms. Sherita Kennedy ([Sherita.Kennedy@fcc.gov](mailto:Sherita.Kennedy@fcc.gov))  
Disability Rights Office  
Federal Communications Commission  
445 12th Street, NW  
Washington, D.C. 20554

Re: KMCC(TV), Laughlin, Nevada  
Facility ID Number 41237  
FCC Complaint Ticket No. 5074147 (Elisa Loden)  
Response to Notice of Informal Complaint

Dear Ms. Kennedy:

ION Television License, LLC ("ION"), licensee of television station KMCC(TV), Laughlin, Nevada ("KMCC"), hereby submits a response regarding the above-referenced complaint of Elisa Loden filed with the Disability Rights Office ("Complainant"). The Complainant alleges that the captions of all profanities were censored using dashes during an episode of Law and Order: Special Victims Unit ("Program"), that aired on KMCC on October 9, 2021, at 2:00 pm PST. The Complainant also alleges that censorship of profanities occurred during a different episode of the Program that aired on the same day and same station at 3:00 pm PST.

KMCC broadcasts the Program on its main program stream pursuant to an agreement, dated June 25, 2014, as amended (the "Agreement") between ION Media Networks, Inc. and NBC Universal ("NBC"). KMCC originally received the Program from NBC in a file-based format. KMCC delivers content such as the Program over-the-air to its viewers. The Commission's closed captioning rules require that video programming distributors deliver all programming received from the video programmer containing closed captioning to receiving television households with the original closed captioning data intact.<sup>1</sup> Pursuant to the Agreement, NBC provides closed captioning and video description, as required by the FCC's rules and regulations and ION includes those captions with the Program.

After learning of Complainant's concern regarding the censorship of profanities in the station's captioning, ION personnel promptly investigated the matter and determined that a former ION employee had altered the captions to delete the profanity of the already captioned Program. The investigation revealed that this action was limited to programming ION received from NBC in 2015. However, it's difficult for ION personnel to know more since those practices are no longer in use and the employee who edited the captions is no longer with ION.

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<sup>1</sup> 47 C.F.R. § 79.1(c)(1).

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Since these alternations were made, KMCC and other ION stations were sold to The E.W. Scripps Company ("Scripps") and Scripps was unaware of the alternations prior to receiving the complaint. Scripps understands its obligations to pass through all closed captioning in accordance with FCC regulations, and has taken steps to ensure that all future broadcasts of the Program at issue will include captions as they were passed through by NBC. Scripps is also investigating other programming broadcast by ION to confirm that captions were not similarly altered in other programs and will take remedial steps as needed to ensure that all captions are passed through to viewers as required.

KMCC and Scripps are committed to serving all viewers, including those that rely on closed captioning to enjoy station programming, and to providing viewers with closed captioning information that fulfills all station obligations under the FCC's rules.

Please contact the undersigned if you require any further information on this matter.

Sincerely,



David M. Giles  
VP, Deputy General Counsel  
ION Television License, LLC

cc: Elisa Loden