



Federal Communications Commission
Washington, D.C. 20554

December 18, 2012

Mr. Michael Switzer
15109 John Clark Road
Gulfport, MS 39503

RE: FCC # IC 12-C00381046 (WDSU)

Dear Mr. Switzer,

This letter is in reference to the informal complaint, referenced above, that you filed with the Federal Communications Commission (Commission). A copy of your complaint is enclosed. The complaint implicates the Commission's rules requiring closed captioning. *See* Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1 *et seq.* Pursuant to the informal complaint process set forth in section 79.1 (g) of the Commission forwarded your informal complaint to the company named in the complaint, along with a Notice of Informal Complaint (NOIC). The NOIC instructed the company to file a response within 30 days of the date of the NOIC, and to send you a copy their response.

We have reviewed the informal complaint, the company's response and supporting evidence if warranted, and other information relevant to the claims made in the complaint. Based on the record, we find that the concerns you raised in your complaint have been addressed and, consistent with the complaint provisions of section 79.1 (g), no further action is required by the Commission. If you are still experiencing captioning problems, please file a new informal complaint using FCC Form 2000C an on-line complaint form found at the web site: www.fcc.gov/cgb/complaints.html. Please include detailed information e.g., the specific movie titles, dates and times.

Under the 21st Century Communications and Video Accessibility Act, there is a provision to improve user interfaces so consumers can access captions more easily. The Commission is in the process of drafting these rules. To stay informed about this and other disability issues, you may subscribe to a listserve provided by the Disability Rights Office. To do so send an email to Accessinfo@fcc.gov with the word "subscribe" in the subject line.

If you have any questions about this matter, please do not hesitate to write us at 445 12th Street, SW, Washington, D.C. 20554, or call us at 1-888-CALL-FCC (1-888-225-5322). TTY users may dial 1-888-835-5322.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kimmel".

Susan Kimmel, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl.



1600 WELLS FARGO CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, NC 27601

T 919.839.0300
F 919.839.0304
WWW.BROOKSPIERCE.COM

November 19, 2012

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
Attn: Susan L. Kimmel, Deputy Chief
445 12th Street, S.W.
Washington, D.C. 20554

Via Hand Delivery

Re: Notice of Informal Complaint
FCC Case No. 12-C00381046 (Switzer) (WDSU)

Dear Ms. Kimmel:

This firm is counsel to New Orleans Hearst Television Inc., licensee of Television Station WDSU, New Orleans, Louisiana ("WDSU" or the "Station"). This letter responds to the informal complaint submitted to the Federal Communications Commission ("FCC") by Mr. Michael Switzer pursuant to Section 713 of the Communications Act, 47 U.S.C. § 613, and Section 79.1 of the FCC's Rules, 47 C.F.R. § 79.1. This complaint has been assigned Case No. 12-C00381046 by the Disability Rights Office.

Mr. Switzer's complaint was transmitted to WDSU by Notice of Informal Complaint dated October 3, 2012, by the FCC's Consumer & Governmental Affairs Bureau's Disability Rights Office (the "Notice").¹

Following receipt of the Notice, WDSU's Director of Engineering, Greg Turner, has been in touch with Mr. Switzer via email. See Declaration of Greg Turner ("Turner Declaration"), ¶ 3. Mr. Switzer has indicated that his concern is with one program aired by WDSU: the NBC Network program "*The Biggest Loser*." See Turner Declaration, ¶ 3. The 2012 season of *The Biggest Loser* ended in May 2012, and the next season of *The Biggest Loser* is scheduled to begin airing in January 2013. See <http://www.nbc.com/the-biggest-loser/>. In an effort to determine whether the closed captioning issues experienced by Mr. Switzer are unique to his viewing of *The Biggest Loser*, WDSU asked Mr. Switzer to watch WDSU during prime time in early November and provide feedback regarding his closed captioning experience. Mr. Switzer has not reported any further closed captioning issues to WDSU. See Turner Declaration, ¶ 3.

WDSU understands that Mr. Switzer's cable service provider, Cable One, has previously responded to the same complaint and has also worked with Mr. Switzer to attempt to address the issue. See Turner Declaration, ¶ 4; see also Letter Dated June 18, 2012, from Cable One to

¹ Pursuant to email correspondence dated November 1, 2012, between you and the undersigned, the deadline for filing a response to the Notice was graciously extended to November 20, 2012.

Susan L. Kimmel, Deputy Chief

November 19, 2012

Page 2

Susan L. Kimmel (attached to the Notice). In this instance, since Mr. Switzer has identified captioning issues only with *The Biggest Loser*,² WDSU plans to contact him again in January 2013 once the new season of the program begins. See Turner Declaration, ¶ 3. If Mr. Switzer has any further issues with closed captioning in *The Biggest Loser* or any other program, WDSU will work with Mr. Switzer and any program provider or MVPD to resolve any closed captioning issues. See Turner Declaration, ¶ 3. WDSU has specifically invited Mr. Switzer to contact the Director of Engineering any time he perceives a closed captioning issue, and additional contact information is available, as required, on WDSU's website (<http://www.wdsu.com/tv/captioning-contacts>).

WDSU takes very seriously its closed captioning obligations and service to the public, and WDSU strives to achieve a high level of satisfaction for all its viewers. Thus, as noted above, WDSU, through its Director of Engineering, has requested that Mr. Switzer remain in contact with the Station to advise it of any closed captioning issues that Mr. Switzer might perceive during the 2013 season of *The Biggest Loser* or any other programming. WDSU is committed to working with Mr. Switzer (and any other viewer) that identifies a closed captioning issue. See Turner Declaration, ¶ 3. Consequently, we believe that no further action is warranted by the Commission at this time.

This response is supported by the Declaration of Greg Turner, Director of Engineering for WDSU, and the Certification of Joel Vilmenay, President and General Manager of the Station. The signature of the Licensee's officer in the Certification of Joel Vilmenay attached hereto indicates that he has read this letter response and that to the best of his knowledge the information contained in this letter is true and correct. Should you have any further questions regarding the above-referenced complaint, please do not hesitate to contact the undersigned.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Stephen Hartzell
Counsel to New Orleans Hearst Television Inc.

Enclosures

cc: Mr. Michael Switzer (via email)
DROinquiries&complaints@fcc.gov
Susan L. Kimmel, FCC (via email)

² WDSU's Director of Engineering had reviewed an episode of *The Biggest Loser* several months ago after learning from Cable One that a viewer had complained about inadequate captioning in that program. At that time, WDSU's review of the captioning did not reveal any problems. See Turner Declaration, ¶ 4.

CERTIFICATION OF LICENSEE

I, Joel Vilmenay, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Certification. I am President and General Manager of New Orleans Hearst Television Inc., licensee of WDSU, New Orleans, Louisiana ("WDSU"). I have held this position at all relevant times.

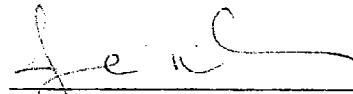
2. My signature below indicates, under penalty of perjury, that: I have reviewed the Notice of Informal Complaint dated October 3, 2012 ("Notice"), and am familiar with its contents; I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the best of my knowledge, information, and belief, I hereby verify the truth and accuracy of the information contained therein. To the extent that I do not have personal knowledge of any relevant facts, I am relying on the statements made in the Declaration of Greg Turner, which I have reviewed and with which I am familiar.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 19th day of November, 2012.

By:



Joel Vilmenay
President and General Manager
New Orleans Hearst Television Inc.

DECLARATION OF GREG TURNER

I, Greg Turner, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration. I am Director of Engineering for WDSU, New Orleans, Louisiana ("WDSU"). I have held this position at all relevant times.

2. I have reviewed the Notice of Informal Complaint dated October 3, 2012 ("Notice"), and I am familiar with its contents. I submit this Declaration in support of WDSU's Response to the Notice. I have personal knowledge of all matters discussed in this Declaration. I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the extent set forth below, I hereby verify the truth and accuracy of the information contained therein.


3. Following receipt of the Notice, I have emailed back and forth with Mr. Michael Switzer a few times. He has indicated that his closed captioning concern relates specifically to the NBC Network program "*The Biggest Loser*," which will return for a new season in January 2013 (the 2012 season ended in early May). I asked Mr. Switzer to watch NBC Network programming on WDSU in early November and to let me know if he experienced any issues with closed captioning. Mr. Switzer has not advised me of any closed captioning issues. I plan to contact Mr. Switzer again in January 2013 to see whether he is experiencing any closed captioning issues with that program. I have also invited Mr. Switzer to contact me if he ever perceives a closed captioning issue with any program aired on WDSU. WDSU takes closed captioning issues very seriously, and if Mr. Switzer or any other viewer contacts us to let us know of an issue, we will work with the viewer (and any programmer or MVPD) to try to diagnose and resolve the issue.

4. Prior to receipt of the Notice, I had heard from Cable One that Mr. Switzer reported a closed captioning issue to them with *The Biggest Loser*, and Cable One personnel advised that they had helped Mr. Switzer with closed captioning. At that time, I reviewed an episode of *The Biggest Loser* from the 2012 season as it aired on WDSU, and the closed captioning was intact.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 19th day of November, 2012.

By: 
Greg Turner
Director of Engineering, WDSU

Solita Griffis

From: SHARTZELL@brookspierce.com
Sent: Thursday, November 01, 2012 3:15 PM
To: Susan Kimmel; DROinquiries&complaints
Subject: REQUEST FOR EXTENSION OF TIME FOR WDSU's Response to Notice of Informal Complaint Dated October 3, 2012 -- Case No. 12-C00381046-1 (Switzer)
Importance: High
Attachments: WDSU Notice of Informal Complaint.pdf

Hi Susan,

We represent television station WDSU in New Orleans.

About a half-hour ago, we learned, for the first time, of the Notice of Informal Complaint dated October 3, 2012, in Case No. 12-C00381046-1 (copy attached as a PDF).

The station's Chief Engineer thought that this issue had been dealt with a few months ago, when the station had heard from Cable One about the situation (Cable One is the entity to which the complaint had originally been directed). Thus, he believed that this viewer's concerns had already been responded to and that nothing further needed to be done at this point.

As a result, we are more than a little bit behind the 8-ball, since the 30-day response period expires tomorrow, November 2.

I am emailing to respectfully request an extension of time through November 20, 2012, so that the station can contact Mr. Switzer and work with him to ensure that the issue has been resolved.

Please know that WDSU takes all closed captioning matters very seriously and when Cable One had contacted the station a few months ago, the station reviewed the program that Cable One identified as the issue (an episode of "Biggest Loser") and found the closed captioning to have been aired. Cable One had also shared with WDSU that a Cable One engineer had gone to the viewer's home and helped the viewer toggle on his television set's closed captioning functionality. At that time, WDSU understood from Cable One that the issue had been resolved.

In any event, in keeping with WDSU's closed captioning ethic, the station will contact the viewer to explore whether the viewer perceives any further closed captioning problems. Thereafter, we intend to file a response and again respectfully request an extension to and including November 20.

Please feel free to call me or my partner Elizabeth Spainhour if you would like to discuss this request.

Many thanks.

Best,
- Stephen

Stephen Hartzell
Counsel to New Orleans Hearst Television Inc., licensee of WDSU

BROOKSPIERCE
ATTORNEYS & COUNSELLORS

11/6/2012

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

October 3, 2012
(Switzer) (WDSU)
FCC Case No. 12-C00381046-1

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

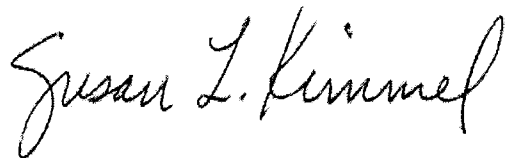
Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
FURTHER NOTICE OF INFORMAL COMPLAINT

Date: July 6, 2012

In reply refer to case number: 12-C00381048, 12-C00381046-SG
Cable One (Switzer)

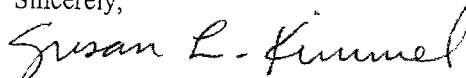
THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint. **Your company responded to the initial Notice of Informal Complaint (NOIC). This is a follow-up request. The customer isn't receiving closed captioning on Channel WXXV (FOX) & WDSU. Note that our closed captioning rules state that non-exempt video programming distributors must provide closed captioning.**

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Solita.Griffis@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Solita Griffis at (202) 418-1564 or Solita.Griffis@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl

2710

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
FURTHER NOTICE OF INFORMAL COMPLAINT

Date: July 6, 2012

In reply refer to case number: 12-C00381048, 12-C00381046-SG
Cable One (Switzer)

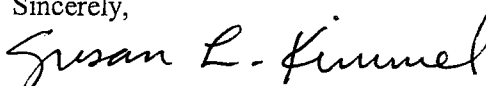
THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint. **Your company responded to the initial Notice of Informal Complaint (NOIC). This is a follow-up request. The customer isn't receiving closed captioning on Channel WXXV (FOX) & WDSU. Note that our closed captioning rules state that non-exempt video programming distributors must provide closed captioning.**

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Solita.Griffis@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Solita Griffis at (202) 418-1564 or Solita.Griffis@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl



1314 N. THIRD STREET
PHOENIX, ARIZONA 85004
PH: 602 • 364 • 6000
FX: 602 • 364 • 6013

*Send Customer email
to verify resolution*

June 18, 2012

Via First Class mail and Email
Susan.Kimmel@fcc.gov
Solita.Griffis@fcc.gov

Susan L. Kimmel
Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW, 5-A847
Washington, DC 20554

Re: FCC Notice of Informal Complaint: Case Number 12-C00381046-SG
– Cable One (Switzer)

Dear Ms. Kimmel:

Cable One, Inc. is in receipt of your notice dated May 7, 2012 concerning the complaint of Mr. Michael Switzer. We apologize for the fact that we did not recognize the fact that Mr. Switzer filed two separate complaint same day. In this complaint, Mr. Switzer complains that the quality of closed captioning on channel WDSU (NBC) is inconsistent, if not inadequate.

Cable One has investigated his complaint. When we recently contacted Mr. Switzer, he clarified that his only complaint was the captioning on the "Biggest Losers" program. We verified that there is a closed captioning feed available on the channel and ruled out any problems with the broadcast feed or Cable One's headend equipment. We have concluded that the problem is the actual content of the signals provided by WDSU. Cable One has forwarded a copy of Mr. Switzer's complaint to WDSU along with his comment. We will monitor any response from them and hope that Mr. Switzer will see improved results in the near future. Cable One will continue to work with Mr. Switzer to

Susan Kimmel, Deputy Chief
Disability Rights Office, Consumer & Governmental Affairs Bureau

Page 2

address any ongoing service concerns. Please do not hesitate to contact me at (602) 364-6195 if you require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Emerson Yearwood". The signature is written in black ink and is positioned above the printed name.

Emerson G. Yearwood
Assistant General Counsel-Regulatory Affairs

Copy A. Silverman
E. Lardy

1054

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

Date: May 7, 2012

In reply refer to case numbers: 12-C00381046 -SG
Cable One (Switzer)

THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Solita.Griffis@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Solita Griffis at (202) 418-1564 or Solita.Griffis@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel,
Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl



Admin 2000 [Switch to Admin1088]

FOR FCC INTERNAL USE ONLY

softa.griffis [CAM] Logout
CC - Cable On

HOME SEARCH NEW COMPLAINT HELP DOWNLOAD
In-Process Completed Served

Carrier Lookup

Form 2000C (Disability Access Complaint) : 12-C00381046-1

« Back to Complaints

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form
Email Factsheet(s)

USER FORM

Consumer Party History
 Consumer History
 Form History
 Edit Form

User Complaint Number: 12-C00381046 User Complaint Key: 12-C00381046-1
Complaint Source: Web Added User: Consumer
Submission date: 03/12/2012

CONSUMER'S INFORMATION

First Name: Michael Last Name: Switzer
Company Name:
(Complete only if you are filing this complaint on behalf of a company or an organization.)
PO Box:
Address1: 15109 John Clark Road Address2:
City: Gulfport State: MS Zip Code: 39503
Telephone Number(Residential or Business): (228) 832-5348 Ext:
E-mail Address: switzertrainer@yahoo.com

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? **No**
If yes, complete items a through h.
Your relationship with the party:

The party's first name:
The party's last name:
The party's daytime phone number: () - Ext:
The party's street address or post office box number:
City: State: Zip Code:

E-mail Address:
Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:
 Letter Facsimile (fax) Telephone Voice
 TRS (designate form of TRS and appropriate contact information)
 TTY Internet E-mail ASCII Text Audio-Cassette Recording Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:
 - Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
 - Accessibility of emergency information on television
 - Closed Captioning**
 - Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
 - Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:
 Name:
 City: State: Zip Code:
 Telephone number: () -
3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:
4. If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy) Time: and any details of when the event or action you are complaining about occurred:
5. If your complaint is about access to emergency information on television, provide the following information:
 - a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):
 - b. Channel (e.g., "13"):
 - c. Station or subscription TV provider system location:
 City: County: State:

d. Date(s) and time(s) of emergency; and time

e. Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about closed captioning, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"): **WDSU**

b. Channel (e.g., "13"): **6**

c. Station or subscription TV provider system location:
City: **New Orleans** County: **State: LA**

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite): **Cable**

e. If you pay to receive television programming, name of company to whom you subscribe: **Cableone**

f. Name of program(s) involved: **Various**

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment. CPE or telecommunications service about which the complaint is being made: **The captions will start OK then within several minutes, the letters become missing or scrambled. More noticeable between 7 pm and 10 pm.**