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**Via E-Mail**

September 3, 2019

Theodore C. Marcus, Deputy Chief  
Consumer & Governmental Affairs Bureau, FCC  
Disability Rights Office  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of a Pattern or Trend of Possible Noncompliance  
(KDVR(TV), Denver, Colorado)

Dear Mr. Marcus:

This letter is written on behalf of Tribune Broadcasting Denver License, LLC, licensee of KDVR(TV), Denver, Colorado (“KDVR”), in response to a notice from the FCC dated August 5, 2019, related to a possible pattern or trend of noncompliance concerning the quality of closed captioning at KDVR (the “Notice”). This Notice is based on complaints filed by Nate Seabiscuit between September 2018 and June 2019. In this response KDVR will note the corrective measures being taken by the station as well as by ENCO, the third-party captioning provider, in order to improve the captioning quality during KDVR locally produced programming in compliance with 47 CFR § 79.1 of the FCC Rules.

**Background**

KDVR, a FOX affiliate, broadcasts over 51 hours of live local news coverage per week. KDVR uses the ENCO’s enCaption 4 hardware/software system to comply with its live closed captioning obligations. ENCO relies on an artificial intelligence voice recognition search engine system to automate closed captioning in near real time. ENCO began offering this captioning service in 2017, and KDVR has used it since September 2017. The ENCO enCaption server is located at the station and is directly connected to the KDVR audio feed and the captioning encoder to allow for the output of the captioning in real time.

**ENCO Improvements**

Upon receiving the Notice, KDVR, as it has with previous captioning issues, promptly informed ENCO of the quality concerns so that ENCO could provide the FCC with information on its

captioning system. ENCO has informed KDVR of certain functionalities and system upgrades that it believes will improve captioning latency, misspellings and punctuation going forward.

The enCaption system now includes a new tool called ENCO MOS Listener that allows stations to improve the word dictionary for the ENCO caption device. The MOS listener automatically connects to the newsroom script system to allow for a preloading of pre-produced stories. enCaption imports all the scripts and creates a dictionary based on these scripts to better decipher ENCO captioning, reducing misspellings and improve overall accuracy, specifically for proper names, geographic locations, foreign words or other uncommon phrases. This feature was activated by KDVR on August 15.

ENCO also implemented a new speaker change feature to its system which will allow for a better separation of captioning when two or more speakers are on air, using a >> symbol to differentiate.

In order to reduce repeated misspellings of commonly used phrases or words on KDVR, ENCO has begun modifying its software filters to automatically force correct common misspelled phrases. As examples, 'BOX 21 AT FIVE DIRTY' will automatically be corrected to 'FOX 31 AT FIVE THIRTY', 'ACTIVITES' changes to 'ACTIVITIES' and 'FINACIALLY' becomes 'FINANCIALLY'.

As a general matter, ENCO has informed KDVR that based on the improvements in its captioning technology it is averaging at least two major software upgrades per year, the last one occurring in April 2019. ENCO recently updated the software and speech appliance component of its system, which has been implemented by KDVR and which ENCO believes will provide better overall accuracy and punctuation.

### KDVR Actions

In order to better monitor the captioning during its newscasts, KDVR will be providing logs of its newscasts to ENCO to help in identifying particular quality concerns that will assist ENCO in upgrading its appliances and software. KDVR is also establishing an additional level of overview over its script drafting to help ensure there are less typographical errors prior to news stories being inputted into the new ENCO MOS Listener.

Based on the advice given in the ENCO Best Practices Manual, a copy of which is attached, KDVR is also working on providing a cleaner inbound feed (i.e., less music and production elements) during bumpers and segment intros and outros to help reduce any audio interference in the Enco speech engine.

The FCC has asked about how KDVR handles informal complaints and inquiries from other viewers via email. Other than the complaints filed by Mr. Seabiscuit, KDVR received 3 informal captioning complaints filed with the FCC and the Station submitted a response to each. Two of these (Complaint Ticket Nos. 2331244 and 285043) noted lagging and inaccuracies in the ENCO captioning, and the other (Ticket No. 3099370) noted a lack of embedded captioning in a show

distributed by the FOX network. In each instance, KDVR reviews its logs and the news segment in question to assess the captioning quality and shares the complaints with ENCO where relevant to let them know of the issue to allow them to incorporate their findings into the response filed with the FCC.

KDVR follows the same process for emails receives from viewers related to captioning. Since September 2018, KDVR has received 11 emails related to captioning issues. The emails focus on misspellings (6), incompleteness (1), lack of captioning (2), or captioning placement (2). For each viewer inquiry, KDVR promptly investigates the incident in question by reviewing its internal airing log, notifies ENCO as necessary, and follows up with the viewer as needed. In certain instances, KDVR will reach out to the viewer to help them configure their television set or MVPD receiver caption settings to help ensure captions are being properly delivered. KDVR notes the number of viewer emails related to captioning issues have decreased since it began using the ENCO system.

In order to help show the FCC what it believes are improvements to its captioning quality, KDVR has included with this email response a link to 4 recent KDVR news segments. In comparison to previous news segments KDVR has noted an improvement in overall quality with a reduction in errors and missing words.

While no live captioning will be perfect, KDVR believes that with its internal efforts and with the noted and continual improvements being made by ENCO, the captioning during its news programming has improved. KDVR will continue to take seriously any complaints it receives from its viewers.

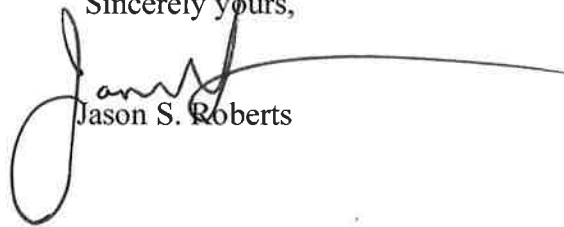
If KDVR is not satisfied with the quality of its captioning even with these improvements, it will explore moving on from ENCO and finding another third-party captioning provider to ensure KDVR provides quality captioning to its hearing-impaired viewers.

Pursuant to the FCC's request, KDVR will retain all records related to this Pattern Notice and any records associated with informal complaints or viewer inquiries it receives for the next 12 months. In addition, KDVR requests that any future correspondence related to this Notice be directed to Douglas Loos, Coordinator, Programming Research, [Dloos@tribunemedia.com](mailto:Dloos@tribunemedia.com), (303) 566-7657.

Tribune Broadcasting Denver License, LLC  
Response to Notice of a Pattern or Trend of Possible Noncompliance  
September 3, 2019

If there are any additional questions, please contact the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jason S. Roberts", with a long horizontal flourish extending to the right.

Jason S. Roberts

cc: Douglas Loos, Coordinator Programming and Research, KDVR  
Dave Stromberg, Vice President of Technology, KDVR