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February 22, 2021

Ms. Sherita Kennedy  
Federal Communications Commission  
Disability Rights Office  
45 L Street NE  
Washington, D.C. 20554

**Re: Notice of Informal Complaint – Kristi Usrey  
Ticket No. 4486835**

Dear Ms. Kennedy:

On behalf of KATV in Little Rock, Arkansas, Facility ID 33543 (the “Station”), this letter responds to the above-referenced Notice of Informal Complaint (the "Notice"), issued on January 21, 2021, relating to the quality of closed captioning that aired in the Station’s 6:00 p.m. newscast on January 12, 2021. The Station reserves the right to supplement this response with additional information as needed.

Following receipt of the Notice, I contacted the Station’s chief engineer and news director to investigate the complaint. I obtained and reviewed the broadcast copy of the January 12 newscast and found that some words were mistaken for similarly sounding words (for example, “just didn’t” appeared as “Justin” and “seconds” appeared as “2<sup>nd</sup>”), and speaker change chevrons and punctuation were occasionally misused.

Additionally, within the video submitted by complainant, which the complainant indicated was taken from the live stream posted to the station’s website, it appears that a portion of the closed captioning briefly froze. A recording of the live stream for the January 12 newscast is no longer available to the Station to review, and this issue did not appear in the broadcast copy of the newscast. The Station has so far been unable to determine why a portion of the captions temporarily froze in the recording streamed online, and is unaware of any other similar incidents, but will continue to monitor and will work to implement remedies as needed.

Despite these acknowledged errors, we believe that the closed captioning during the January 12 newscast was generally clear and understandable, particularly given the live nature of the programming at issue. As the Commission has recognized with respect to standards for captioning accuracy, there are “greater hurdles involved with captioning live programming, given the simultaneous production of captions as the programming is aired, and the lack of time for the review and correction of captions...that quality standards must take into consideration that human errors can

occur with real time captioning and that perfection of such captions cannot be guaranteed.”<sup>1</sup> Further, the Commission has explained that, “whatever method is used to provide real-time captioning, [it] will address complaints by considering, on a case-by-case basis, the overall accuracy or understandability of the programming, the ability of the captions to convey the aural content of the program in a manner equivalent to the aural track, the extent to which the captioning errors prevented viewers from having access to the programming.”<sup>2</sup>

The Station therefore respectfully requests that the informal complaint be dismissed. Consistent with the foregoing and the Commission’s captioning quality standards, we believe that the Station’s real-time closed captioning of the 6 p.m. newscast at issue was overall accurate, understandable and conveyed the aural content of the program. The Station strives to provide the best possible captioning to serve its deaf and hard of hearing viewers and will continue to work toward minimizing and mitigating closed captioning errors going forward.

Please contact me if you have any questions or need any further information.

Sincerely yours,

A handwritten signature in blue ink that reads "Susan E. Domozych". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan E. Domozych  
Senior Manager/Senior Paralegal

Cc: KATV  
Kristi Usrey

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<sup>1</sup> *Closed Captioning of Video Programming*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221 ¶ 40 (2014).

<sup>2</sup> *Id.* ¶ 42.