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June 17, 2013

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: 13-C00490283-SM (Brancewicz)(WGGB)

Dear Ms. Dortch:

On behalf of Gormally Broadcasting Licenses, LLC, licensee of Television Station WGGB-TV, Springfield, Massachusetts (Facility No. 25682)(“WGGB”), we submit this response to the above-referenced complaint concerning closed captioning on WGGB (the “Complaint”).

The Complaint alleges that WGGB did not provide closed captioning of a news conference given by President Obama on April 18, 2013.¹ While it is true that the news conference was broadcast without closed captions, WGGB was in full compliance with the Commission’s closed captioning rules.

Under Section 79.1(e)(3) of the Commission’s Rules, 47 CFR § 79.1(e)(3), except for affiliates of the major national broadcast networks in the 25 largest television markets, live programming that is captioned using the “electronic newsroom technique” is deemed to be captioned. As set forth in the attached Declaration of James Tortora, the Springfield-Holyoke, Massachusetts market is the 114th largest television market. The Commission is aware that electronic newsroom captioning technology uses the broadcast script to prepare captions, and it understands that “[u]nscripted material, such as *breaking news*, live reports from the field, and some weather and sports reports that do not appear on the teleprompter are not typically captioned by this method.”²

¹ The Complaint alleges that the news conference was broadcast on April 18; in fact, it occurred and was broadcast on April 17.

² Notice of Proposed Rulemaking, *Closed Captioning of Video Programming*, 20 FCC Rcd 13211 (2005) at ¶ 44 (emphasis added). While the Commission asked for comment on changing the rules permitting use of the electronic newsroom technique, it has not adopted any changes to the rules.

Ms. Marlene H. Dortch

June 17, 2013

Page 2

On April 17, news was breaking concerning the action of the United States Senate in rejecting background check legislation for gun purchases. As the Tortora Declaration explains, WGGB was informed that President Obama would hold a news conference following the vote, and that the ABC network would provide live coverage of that news conference. Given the importance of the issue, WGGB decided to break into normal programming to provide live coverage of the President's statement.

WGGB's local anchor, Dave Madsen, introduced the breaking news segment. That discussion was closed captioned. The captioned text explained: "Now to breaking news . . . the President is reacting to the Senate's rejection of a bi-partisan plan to expand background checks for gun purchases." A screen shot of that portion of the program showing the closed captions is attached to the Tortora Declaration.

WGGB obtained the coverage of the live news conference from the ABC NewsOne service. That service does not provide captions of unscheduled live events such as the President's news conference. Thus, while WGGB's introduction to the news conference was captioned, there were no closed captions available during the news conference itself. At all times during the President's remarks, however, screen graphics showed the topic about which the President was speaking. As a screen shot attached to the Tortora Declaration shows, during part of the news conference, the screen showed: "President Obama Remarks on Failure of Gun-Control Bill." During other portions of the news conference, as shown in the screen shot attached to the Complaint, graphics informed viewers: "President Speaks on Background Checks." Thus, while the Complaint states, "I wondered if he talked about Boston bombs or gun control," the subject of the news conference was in fact on throughout the President's statement.

This is precisely the kind of "breaking news" that the Commission understood might not be captioned when it adopted Section 79.1(e)(3) of the Rules. The Commission recognizes that smaller-market television stations, like WGGB, do not have the resources to provide live captioning of all news programming, and in particular unscheduled news events such as the President's press conference.

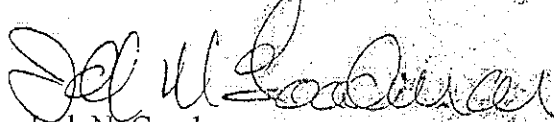
Moreover, while the news of the Senate's action and the President's reactions was certainly important, it did not involve discussion of a "current emergency" within the scope of Section 79.2 of the Rules, 47 CFR § 79.2. If an actual emergency had been involved, WGGB would have provided closed captions or otherwise enabled access to emergency information by people with visual or hearing disabilities.

WGGB is conscious of its responsibilities to make its programming accessible. WGGB understands Ms. Brancewicz's frustration during a breaking news event, particularly one closely following the Boston bombings. It took steps to make sure that the subject of the breaking news event was available to all viewers. Since the Rules contemplate that captions may not be available for live coverage of breaking news events by stations in smaller markets, the lack of captions for the President's news conference on April 18 do not raise any question of WGGB's compliance with the Commission's closed captioning rules.

Ms. Marlene H. Dortch
June 17, 2013
Page 3

Should there be any questions about this matter, please direct them to the undersigned.

Respectfully submitted,



Jack N. Goodman

Counsel for Gormally Broadcasting Licenses, LLC

Attachment

cc: Ms. Ewa-Maria Brancewicz (by mail and e-mail)
Susan Kimmel
ShaVonne Morris

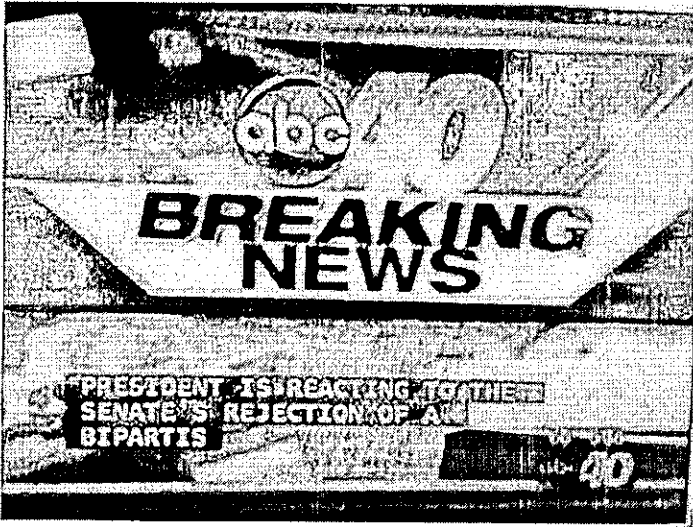
Declaration of James Tortora

James Tortora declares as follows:

1. I am the Station Manager/VP of News of Television Station WGGB-TV, Springfield, Massachusetts.
2. On the afternoon of April 17, 2013, WGGB-TV became aware that the President would hold a news conference to discuss the Senate's rejection of background check legislation relating to gun purchases. We decided to cover the event live, using footage supplied by the ABC NewsOne service.
3. WGGB-TV broadcast a local introduction to the news conference using the Station's anchor, Dave Madsen. That segment was closed captioned and the captions read: "Now to breaking news . . . the President is reacting to the Senate's rejection of a bi-partisan plan to expand background checks for gun purchases." A screen shot of that portion of the program showing the closed captions is attached.
4. The live coverage supplied by ABC was not captioned. At all times during the President's remarks, WGGB-TV broadcast screen graphics indicating the subject of the news conference. As shown in the attached screen shot, during one part of the news conference, the screen showed: "President Obama Remarks on Failure of Gun-Control Bill." During other portions, the screen showed: "President Speaks on Background Checks."
5. The Springfield-Holyoke, Massachusetts Designated Market Area is, according to Nielsen, the 114th largest television market in the United States.
6. I have read the Response of Gormally Broadcasting Licenses, LLC to the Complaint filed by Ms. Ewa-Maria Banciewicz and, to the best of my knowledge and belief, the factual statements contained in the Response are true and correct.
7. I declare under penalty of perjury that the above statements are true and correct.


James Tortora

June 17, 2013



Lower third during the news conference

