

December 22, 2011

VIA HAND DELIVERY

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

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

Re: **Response to Official Notice of Informal Complaint**
Case File Number: 11-C00336009-FC

Dear Ms. Kimmel:

Attached please find the response of Gormally Broadcasting Licenses, LLC (“Gormally”), licensee of television station WGGB-TV, Springfield, Massachusetts, to the Commission’s Notice of Informal Complaint dated November 16, 2011. The attached response addresses the issues raised by the Complaint referenced above submitted by Pamela Korzec.

Please contact the undersigned if there are any questions regarding this matter.

Sincerely,



Brendan Holland

cc: Susan L. Kimmel (via e-mail)
Francine Crawford (via e-mail)
Pamela Korzec (via U.S. Mail)

Enclosures



Terence W. Beacham
Director of Engineering ABC40 / FOX6
Gormally Broadcasting, LLC WGGB-TV
1300 Liberty St.
Springfield, Ma. 01104

December 21, 2011

ATTN: Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission

Re: Response to Official Notice of Informal Complaint

Gormally Broadcasting Licenses, LLC ("Gormally"), licensee of television station WGGB-TV, Springfield, Massachusetts (the "Station"), hereby responds to the Commission's Notice of Informal Complaint dated November 16, 2011. By that Notice, the FCC forwarded two Informal Complaints that had been filed electronically with the Commission. Because these two complaints appear to deal with the same issues, Gormally hereby provides a combined response addressing the issues raised. A copy of this response is being filed in response to each complaint and forwarded to each complainant individually consistent with the FCC's Notice.

As an initial matter, it is noted that the two complaints refer to both WGGB-TV and another station in the market, Channel 22 WWLP(TV), however, as Gormally is not the licensee of WWLP(TV) it is not responding on behalf of that station, nor addressing any issues pertaining to that station. Further, the complaints speak broadly about the coverage of a news conference by "all news stations." As such, it is difficult to discern from the complaints, what, if any, material the complainants are alleging was broadcast by the Station, nor whether the complainant actually viewed the Station's broadcast on the date in question.¹

¹ It is also unclear from the Notice of Informal Complaint whether the closed captioning complaints were filed within sixty days of when the alleged problem occurred as required by the Commission's Rules. 47 C.F.R. § 79.1(g) (requiring that closed captioning complaints be filed within sixty days of the observed problem).

With respect to the substance of the complaints, the two informal complaints allege that WGGB-TV broadcast a press conference by the Governor of Massachusetts in late August 2011 regarding Tropical Storm Irene, but did not show the American Sign Language interpreter who was present at that press conference as part of the video. As a result, the complaints assert that deaf or hard of hearing viewers – or rather deaf or hard of hearing viewers who understand American Sign Language – were unable to receive the information provided by the press conference.²

The first complaint, 11-C00336117-1, alleges that the broadcast in question occurred at 3:00 PM (15:00:00) on August 26, 2011, and that: “All news stations present [at the Governor’s news conference] did not video the interpretation [by the sign language interpreter] and only focused on the spoken language.” While the Station does not have a video recording of what was broadcast on the Station at 3 PM on August 26, 2011, its programming logs reflect that the station broadcast an episode of the daytime soap opera “*General Hospital*” from 3 to 4 PM on August 26, 2011. Moreover, the program logs do not indicate any interruption in regular programming during that time for breaking news or a news conference by the Governor of Massachusetts.

In reviewing its programming logs and materials from that date, WGGB-TV was able to retrieve a copy of the 6 PM evening newscast that was broadcast on August 26, 2011. That evening newscast contained a news story that included two brief clips of the Governor of Massachusetts speaking about preparations for Tropical Storm Irene. A copy of this news story has been provided on the enclosed DVD. As can be seen from the video, the news story incorporates a brief clip of the Governor of Massachusetts at a formal news conference, as well as a second clip of the Governor from a different, informal interview with reporters.

Collectively, the two video clips show the Governor speaking for a total of less than 30 seconds. As can be seen from the enclosed video, the station provided closed captioning for the news segment, including the first video clip from the Governor’s formal news conference. (Please note, the enclosed video was recorded with the close captions displayed on the screen as they would have appeared to a viewer with the closed captions enabled.) To the extent that the news story, including the two brief video clips of the Governor, contained any critical details of emergency information, that information was provided to viewers visually through the closed captioning consistent with the Commission’s Rules.³

² As an aside, it is noted that neither the Commission’s closed captioning rules nor its rules on emergency information require that coverage of a live news conference include an American Sign Language interpreter. As such, the complaints appear to raise an issue beyond the purview of the Commission’s Rules.

³ Consistent with the electronic newsroom technique (“ENR”) of captioning newscasts, not 100% of this news segment was captioned, nor required to be. Section 79.1(e)(1) of the Commission’s Rules allows stations that employ ENR to consider such programs fully captioned, despite the fact that unscripted portions of the newscast, such as ad-libbed segments, live reports, sports, weather, or press conferences, may not be captioned. 47 C.F.R. §79.1(e)(1). As noted above and shown on the enclosed video, to the extent that the news segment, including the

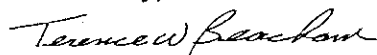
With respect to the second complaint, 11-C00336009-1, it too appears to address an "emergency announcement" by the Governor of Massachusetts, but refers to the broadcast occurring two days later on August 28, 2011, rather than August 26, 2011. Like the first complaint, the second complaint alleges that a sign language interpreter at the news conference was not included in the video shot by the news cameras at the event. Although the initial complaint did not indicate a specific time for the broadcast on August 28, 2011, a further email supplement to the complaint pinpoints the emergency broadcast from the Governor of Massachusetts as occurring "in the late afternoon" on August 28, 2011. The supplement further claims that WGGB-TV "did not have any type of closed captioning, scrolls or crawls" and that "the camera was on the interpreter for approximately one or two seconds just before the Governor began to speak, and I did not see her during the rest of the announcement."

As with the afternoon of August 26, 2011, the Station does not have a video recording of what was broadcast by the Station on the late afternoon of August 28, 2011. However, its programming logs reflect that the Station broadcast the "*Little League World Series - World Championship*" from 3 PM to 5:30 PM that afternoon. Further, the programming logs do not indicate any interruption in regular programming during that time for breaking news or a news conference by the Governor. Thus, WGGB-TV has no record of airing a news conference by the Governor of Massachusetts regarding Tropical Storm Irene in the late afternoon of August 28, 2011. To the extent that this complaint, in fact, deals with material broadcast on August 26, 2011, then it would appear that this complaint deals with the same material Gormally has addressed above.

In sum, contrary to what the Complaints appear to allege, WGGB-TV has no record of broadcasting a news conference by the Governor of Massachusetts on either the afternoon of August 26, 2011, nor the afternoon of August 28, 2011. The closest material the station has been able to locate is the enclosed news segment, which Gormally has provided in response to this inquiry out of an abundance of caution. As depicted in the video, to the extent that the news segment, or the two brief video clips of the Governor contained within that segment, provided any critical details of emergency information, that information was provided visually through the closed captioning.

Please feel free to contact me with any further questions.

Sincerely,



Terence W. Beacham
Director of Engineering
WGGB-TV Gormally Broadcasting, LLC

video depicting the Governor, contained any critical details of emergency information, that information was provided visually through the closed captioning provided for the segment.