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June 26, 2014

VIA HAND DELIVERY

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

Re: *Notice of Informal Complaint (NOIC) from John Nielson*
FCC Case No. 14-C00577286

Dear Ms. Kimmel:

I represent Scripps Media, Inc., licensee of Station KSHB-TV, Kansas City, Missouri. This letter responds to the above-captioned Notice of Informal Complaint ("NOIC") dated May 21, 2014, about the station's compliance with the closed captioning requirements of Section 79.1 of the Commission's rules, 47 C.F.R. § 79.1. Thank you for granting the brief extension of time that I requested for the submission of this reply.

The NOIC directs the station to respond to the matters raised in a complaint from Mr. John Nielson. This complaint does not describe a specific failure to provide captioning, but instead alleges that, "[e]ver since the DTV transition KSHB has not shown closed captioning for their subchannels [sic] 41-2 and 38-2."

Station KSHB-TV operates on virtual channel 41, and its commonly-owned sister station KMCI-TV operates on virtual channel 38.

Contrary to Mr. Nielsen's claim, these stations' digital subchannels operate in compliance with Section 79.1 and pass through all the captioning provided by their respective networks. In fact, last year the stations purchased state-of-the-art EEG CB512 ("Legalizer") units to improve captioning performance in the transfer of programming from all sources to HDTV broadcast. The stations also use Evertz VIP equipment for continuous monitoring of the stations' captioning, and, as a further check, station personnel monitor each channel's over-the-air signal with the closed captioning activated.

Channel 41-2 principally offers the programming of the COZI TV Network, a network launched in late 2012 by the NBC Owned Television Stations group. Since Section 79.1(d)(9) of the rules provides an exemption from the closed captioning requirements for networks that are less than four years old, this network is exempt from any minimum captioning requirement, and Scripps' obligation to caption the networks' programming is limited to passing through the captions it provides. The network does offer most of its programming with captions, and Station KSHB-TV's equipment routinely passes these through. The non-network programming carried on channel 41-2 consists of repeats of main-channel newscasts that are all captioned, plus syndicated and paid programming that is captioned in accord with the Commission's rules. As noted above, Scripps continuously monitors this channel's captioning performance, and it believes that captioning has been reliably delivered to its over-the-air viewers.

Channel 38-2 offers only the programming of the Bounce TV Network. This network was launched in September of 2011, so it also enjoys the four-year exemption from captioning obligations provided in the rules for a new network. Nevertheless, a majority of the network's programming is captioned. Like KSHB-TV, Station KMCI-TV's modern captioning equipment passes through all the captioning provided, and the station's monitoring shows that captioning has been reliably delivered to over-the-air viewers.

Since the complaint actually identifies the "Complaint Type" as "Cable," it is noted that the station is occasionally made aware by a viewer's complaint that a local cable system is not passing through a channel's captioning. The station's engineering staff then checks on whether there is a problem, and, if so, the cable system is advised to address the problem. Such complaints are not, however, particularly common.

Scripps takes very seriously its responsibility to serve its entire community. Stations KSHB-TV and KMCI-TV will continue their efforts to ensure that their captioning services comply with the Commission's requirements.

Please contact the undersigned if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Howard Jr.", is written over the typed name.

Kenneth C. Howard, Jr.
Counsel to Scripps Media, Inc.

cc: Mr John Nielson, 2303 North 74th St., Kansas City, KS 66109
DROinquiries&complaints@fcc.gov