

December 26, 2019 - OFFICIAL NOTICE OF INFORMAL COMPLAINT – FCC Complaint Ticket No. 3725300

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that **Perry Connolly** filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide closed captioning on television. We are inquiring into this matter pursuant to sections 713 and 4(i) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. §§ 613, 154(i), and section 79.1 of the Commission's rules, 47 CFR § 79.1.

This Notice of Informal Complaint (Notice or NOIC) directs your company, as the broadcaster or multichannel video programming distributor (MVPD), to respond fully and directly to each and every material allegation raised in the informal complaint and summarize the actions taken by your company to satisfy the informal complaint and come into compliance with controlling law within thirty (30) days of the date of this Notice.

If the complaint concerns the quality of the closed captioning, we remind you that closed captions – no matter how they are produced, for example, by the use of the electronic newsroom technique (ENT), where permitted, by a captioning service, or by using automated speech recognition technology – are subject to the FCC’s closed captioning quality standards related to accuracy, synchronicity, completeness, and placement. 47 CFR § 79.1(j). If known, please include in your response how the closed captions at issue were produced. To support a response that asserts that the captioning at issue complies with the closed captioning quality rules, please include with your response a recording, such as a DVD or electronic file, of the time(s) and date(s) of the event(s) described in the complaint.

If the programming at issue had been delivered to your company without captions, your company must check with the supplying network or program producer before responding to this Notice to determine whether the programming is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or to an individual petition for exemption filed under 47 CFR §79.1(f). Please note that even if the supplying network or program producer qualifies for a captioning exemption, it still has an obligation to pass through captions of already captioned programs in accordance with 79.1(c).

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. Be sure to verify the complainant’s name and the ticket number. In addition, please include the name of a company representative to whom all future correspondence about the complaint should be directed. You are further directed to send a copy of the response to the complainant, in the preferred format requested by the consumer, at the same time the response is provided to the Commission. Finally, please retain all records that are or may be pertinent to the allegations raised in the complaint for one year after the date of this Notice, unless otherwise instructed. To prepare your response to this Notice, you should also check the ticket at <https://consumercomplaints.fcc.gov/access> where the

complainant may have filed additional complaints or other supporting evidence against your company. These supplemental materials will be associated with the same ticket number.

Failure to respond to a Commission inquiry is considered a violation of a Commission order and can result in the imposition of fines by the Commission. Under section 503(b) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any of the provisions of the Act, or any rule or order issued by the Commission under the Act, shall be liable for a forfeiture penalty.

The Commission requests that your company provide a thorough response to the issues raised in this complaint, and that it use its best efforts to resolve this complaint in a timely manner. Cursory responses will be rejected. The Commission intends to make consumer complaint data publicly available – in both aggregate and individual form yet consistent with the Commission’s privacy obligations. This data will include how your company has addressed consumer complaints.

If you have any questions regarding this Notice or the informal complaint, please contact DRO at DROcarriersupport@fcc.gov or by calling 202-418-2517. In your message, please include your name, your company’s name, the ticket number, and your specific questions.

**December 31, 2019 - OFFICIAL FURTHER NOTICE OF INFORMAL COMPLAINT –
FCC Complaint Ticket No. 3725300**

The Federal Communications Commission (FCC or Commission) is serving your company with this further notice of informal complaint that **Perry Connolly** filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide closed captioning on television. We are inquiring into this matter pursuant to sections 713 and 4(i) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. §§ 613, 154(i), and section 79.1 of the Commission's rules, 47 CFR § 79.1.

This Further Notice of Informal Complaint (Further Notice or FNOIC) directs your company, as the broadcaster or multichannel video programming distributor (MVPD), to respond fully and directly to each and every material allegation raised in the informal complaint and summarize the actions taken by your company to satisfy the informal complaint and come into compliance with controlling law within thirty (30) days of the date of this Notice.

If the complaint concerns the quality of the closed captioning, we remind you that closed captions – no matter how they are produced, for example, by the use of the electronic newsroom technique (ENT), where permitted, by a captioning service, or by using automated speech recognition technology – are subject to the FCC’s closed captioning quality standards related to accuracy, synchronicity, completeness, and placement. 47 CFR § 79.1(j). If known, please include in your response how the closed captions at issue were produced. To support a response that asserts that the captioning at issue complies with the closed captioning quality rules, please include with your response a recording, such as a DVD or electronic file, of the time(s) and date(s) of the event(s) described in the complaint.

****NOTE: In the company’s December 30, 2019 response to the NOIC, it confirmed that its “news teleprompter computer went down” for several days between December 20, 2019 and December 23, 2019. The duration of the stated outage raises questions about whether the equipment associated with the station’s transmission of closed captioning for the affected broadcasts is or has been adequately monitored and maintained. Accordingly, and pursuant to 47 C.F.R. § 79.1 (c), this FNOIC requests that the station (i) explain the reason(s) for the extended time lapse during which captioning was out of transmission, (ii) identify the specific programming affected by the outage, and (iii) provide information, including relevant records, sufficient to demonstrate that it has monitored its captioning equipment, has performed technical equipment checks, and has promptly undertaken repairs as needed to ensure that equipment is operational and in good working order.**

If the programming at issue had been delivered to your company without captions, your company must check with the supplying network or program producer before responding to this Notice to determine whether the programming is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or to an individual petition for exemption filed under 47 CFR §79.1(f). Please note that even if the supplying network or program producer qualifies for a captioning exemption, it still has an obligation to pass through captions of already captioned programs in accordance with 79.1(c).

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. Be sure to verify the complainant's name and the ticket number. In addition, please include the name of a company representative to whom all future correspondence about the complaint should be directed. You are further directed to send a copy of the response to the complainant, in the preferred format requested by the consumer, at the same time the response is provided to the Commission. Finally, please retain all records that are or may be pertinent to the allegations raised in the complaint for one year after the date of this Notice, unless otherwise instructed.

Failure to respond to a Commission inquiry is considered a violation of a Commission order and can result in the imposition of fines by the Commission. Under section 503(b) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any of the provisions of the Act, or any rule or order issued by the Commission under the Act, shall be liable for a forfeiture penalty.

The Commission requests that your company provide a thorough response to the issues raised in this complaint, and that it use its best efforts to resolve this complaint in a timely manner. Cursory responses will be rejected. The Commission intends to make consumer complaint data publicly available – in both aggregate and individual form yet consistent with the Commission's privacy obligations. This data will include how your company has addressed consumer complaints.

If you have any questions regarding this Notice or the informal complaint, please contact DRO at DROcarriersupport@fcc.gov or by calling 202-418-2517. In your message, please include your name, your company's name, the ticket number, and your specific questions.