

November 28, 2012

VIA HAND DELIVERY AND E-MAIL

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

Re: KTVI(TV), St. Louis, Missouri  
Facility Identification Number 35693  
FCC File Number: 12-C00425627-1(GORNY) (KTVI)  
Response to Notice of Informal Complaint

Dear Ms. Kimmel:

On behalf of Community Television of Missouri License, LLC, licensee of KTVI(TV), St. Louis, Missouri (collectively, "KTVI"), we hereby submit KTVI's response to the above-referenced October 31, 2012 letter from the Commission's Consumer & Governmental Affairs Bureau. The Letter forwarded a complaint from Mr. Jason Gorny of Chicago, Illinois, who complained that the closed captioning on KTVI was not working properly on September 13, 2012 at 7:00PM.

Given the importance with which KTVI takes its responsibilities to serve local communities, KTVI commenced a thorough investigation. KTVI is pleased to be able to respond to the Commission and to send a copy of its response directly to Mr. Gorny today.

If you have any questions about the attached response, please contact me directly.

Respectfully submitted,



Kerry Stotler

Attachment

cc: Ms. Susan Kimmel (via hand delivery and e-mail)  
Mr. Jason Gorny (via e-mail)



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Facility Identification Number 35693  
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Response to Notice of Informal Complaint

Dear Ms. Kimmel:

Community Television of Missouri License, LLC, licensee of KTVI(TV), St. Louis, Missouri (collectively, "KTVI"), recently received from the Federal Communications Commission's Consumer & Governmental Affairs Bureau a letter dated October 31, 2012, attaching a complaint to the Commission from Mr. Jason Gorny of Chicago, Illinois, regarding closed captioning during KTVI's programming on September 13, 2012 at 7:00PM.<sup>1</sup> On the time and date in question, KTVI was broadcasting the FOX program "The X Factor." It appears from the complaint that Mr. Gorny viewed "The X Factor" through his cable provider, which the complaint indicates is SLU, also known as Saint Louis University.

Following receipt of Mr. Gorny's complaint, KTVI conducted a thorough investigation of this matter. Based on its investigation, KTVI confirmed that its over-the-air signal on September 13, 2012 during the program "The X Factor" was fully and properly captioned without any missing or garbled captions. The FOX Network imbeds "The X Factor" with all closed captioning prior to sending the program to KTVI. KTVI's system then splices the program directly to its transmitter, passing through all captioning exactly as it is received from FOX. KTVI's internal investigation confirmed that it received "The X Factor" from FOX on September 13, 2012 with all closed captions intact without any missing or incoherent material. KTVI then broadcast "The X Factor," including all closed captions.

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<sup>1</sup> *Notice of Informal Complaint*, from Susan L. Kimmel, Deputy Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to KTVI, File No. 12-C00425627-1 (October 31, 2012). Specifically, Mr. Gorny's complaint states that the captioning on KTVI on September 13, 2012 at 7:00PM was garbled and incoherent to the point he was unable to understand the program he was watching.

Susan L. Kimmel  
November 27, 2012  
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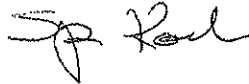
KTVI is confident that its broadcast of "The X Factor" on September 13, 2012 complied fully with the Commission's captioning rules because KTVI's software automatically creates a log of all closed captioning text in KTVI's over-the-air signal. Following receipt of Mr. Gorny's complaint, KTVI's Chief Engineer, Mr. Jay Gill reviewed the log and found the captioning to be intact and complete. Mr. Gill also reviewed a two-minute clip of the September 13, 2012 episode of "The X Factor" as it aired on KTVI and confirmed that the captioning was functionally properly in that clip. The two-minute recording was all that was available for Mr. Gill's review after the initial broadcast. Further, KTVI received no other viewer complaints that the closed captioning was not working properly during September 13, 2012 episode of "The X Factor."

Even though KTVI's over-the-air signal during the time and date in question was fully captioned, KTVI does not doubt that the captions in "The X Factor" – as they appeared on Mr. Gorny's television set – were incoherent or garbled as Mr. Gorny described. A number of different factors could have contributed to the corruption of the closed captioning on Mr. Gorny's television on September 13, including issues with Mr. Gorny's cable service, his cable set-top-box or his television set itself. Without further information from Mr. Gorny, however, KTVI cannot diagnose the exact cause of the problem Mr. Gorny experienced.

If Mr. Gorny continues to experience captioning problems during "The X Factor" or any other program on KTVI, we urge him to contact the station's Closed Captioning Hotline directly at 314-213-7462. KTVI's engineering staff will work with him and, if appropriate, his cable provider to find a solution.

KTVI takes great pride in serving every member of our local community, including those with hearing impairments. Thus, KTVI continuously monitors its programming to ensure that its captions are of the highest quality, and KTVI has invested thousands of dollars to maintain state-of-the-art closed captioning equipment and software. Indeed, KTVI has equipment in place to ensure that its captions remain intact when programming is upconverted, downconverted, or otherwise manipulated for broadcast by KTVI. If the Commission has any further questions about this matter, please do not hesitate to contact our counsel.

Respectfully submitted,



Spencer Koch  
Vice President and General Manager

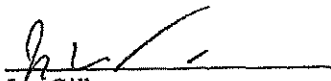
The logo for FOX 2, featuring the word "FOX" in a bold, sans-serif font and the number "2" in a large, stylized font to its right.The logo for KPLR 11, featuring the call letters "KPLR" in a bold, sans-serif font and the number "11" in a large, stylized font to its right.

Declaration of Jay Gill

My name is Jay Gill, and I hereby declare under the penalty of perjury that the following is true to the best of my knowledge:

1. I am the Chief Engineer for KTVI(TV).
2. After receiving from the Commission the complaint from Mr. Gorny, I oversaw an internal investigation, which revealed that all of KTVI's captioning decoders were working properly on September 13, 2012, including during the program "The X Factor."
3. I watched a two-minute recorded clip of KTVI's broadcast of the September 13, 2012 episode of "The X Factor" during which I did not observe any missing or garbled captions.
4. I also reviewed the closed captioning logs for the September 13, 2012, episode of "The X Factor" from KTVI's over-the-air signal and the log did not indicate any incoherent or incomplete captions.
5. Based on our internal investigation, I conclude that the over-the-air signal for KTVI was fully and properly captioned during its broadcast of "The X Factor" on September 13, 2012.

Date: November 27, 2012

  
Jay Gill

## Claspill, Elaine

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**From:** Stotler, Kerry [KStotler@dowlohn.com]  
**Sent:** Thursday, November 29, 2012 11:01 AM  
**To:** 'Susan.Kimmel@fcc.gov'  
**Cc:** DROinquire&complaints@fcc.gov; jgorny@slu.edu  
**Subject:** KTVI(TV) response to October 31, 2012 closed captioning complaint (Gorny)  
**Attachments:** KTVI(TV) Response to Notice of Informal Complaint.pdf

All:

Attached is the response of the licensee of KTVI(TV) in St. Louis, Missouri, to the Notice of Informal Complaint dated October 31, 2012. The Notice bears a file number of 12-C00425627-1. We have hand delivered a hard copy to Ms. Kimmel today as well.

Respectfully submitted,

Kerry Stotler

**Kerry Stotler**

*Associate*

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