



WNEM TV5
WNEM DT22
WNEM AM 1250
WNEM.COM

SAGINAW BAY CITY MIDLAND FLINT

June 26, 2013

Ms. Cheryl King
Associate Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 Twelfth Street S.W.
Washington, D.C. 20554

Re: WNEM-TV, Bay City, MI
Facility Identification Number 41221
FCC File Number 13-C00490214 (Lyons) (WNEM Streamling [sic])
Response to Notice of Informal Complaint

Dear Ms. King:

Meredith Corporation ("Meredith"), licensee of WNEM-TV ("WNEM"), Bay City, MI, recently received from the Consumer & Governmental Affairs Bureau ("Bureau"), a letter dated June 3, 2013, attaching a complaint submitted to the Commission by Mr. Chet Lyons, regarding the lack of closed captioning on an online simulcast of a newscast that was accessed on April 19, 2013 at 12:15 P.M.¹

The FCC's rules require all entities that license programming for Internet Protocol ("IP") distribution, (video programming owners or "VPOs")² to provide closed captioning information along with files containing the video programming to program licensees that make the programming available to end users (video programming distributors or "VPDs").³ As of March 30, 2013, VPOs must provide to VPDs captions for programming, such as local news, that is "live or near-live."⁴ To be considered "live or near-live," the programming must have been

¹ *Notice of Informal Complaint*, from Cheryl King, Associate Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, File No. 13-C00490214 (Lyons) (WNEM Streamling [sic]) (June 3, 2013). Specifically, Mr. Lyons' complaint states that WNEM's live Internet streaming of their 12:00 P.M., 5:00 P.M., and 6:00 P.M. broadcasts did not have closed captioning available at certain times during the period between April 1, 2013 and April 19, 2013. The complaint alleges that there was no button available to access closed captioning for the programs online, though closed captioning is available when the programs are broadcast on television.

² Closed Captioning of Internet Protocol-Delivered Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, *Report and Order*, 27 FCC Rcd 787, 798, ¶ 15 (2012) (defining a video programming owner as "any entity that...acts as the video programming distributor or provider, and also possesses the right to license the video programming to a video programming distributor or provider that makes the video programming available directly to the end user through a distribution method that uses Internet protocol"). *Id.*, 27 FCC Rcd at 792, ¶ 7.

³ *Id.*, 27 FCC Rcd. at 793-94, ¶ 8 (2012).

⁴ *See Id.*, 27 FCC Rcd at 819-20, ¶ 51. The compliance deadline for live and near-live programming was set for 12 months after the rules were published in the Federal Register. Publication in the Federal Register occurred on

performed and recorded less than 24 hours prior to airing. The VPD must either (i) enable the rendering of the caption files or (ii) pass the caption files through to the end user's hardware and software for rendering. A VPD must also provide a means for end users to enable display of the closed captions.⁵

An entity may be both a VPO and a VPD. With respect to its local newscasts, WNEM is a VPO because it owns the copyright of its local newscasts. WNEM also is a VPD with respect to its newscasts because it makes them available to end users on its website.

WNEM takes seriously its responsibilities to all members of the community and sought to comply with these new closed captioning requirements. Prior to the March 30, 2013 deadline, WNEM took what it believed to be every necessary step to provide captions for live streaming of its local news. WNEM sent video with embedded closed captions to Worldnow, WNEM's online video application provider. Worldnow's systems captured, recorded, processed, and made video available live on WNEM's website.

Due to a technical problem, however, the closed captioning button was not functioning properly on its web streams, thus captions were unavailable to online viewers. Worldnow's systems should record the video, extract closed captioning from the ATSC video, and stream the video with captions in near real time. However, the Worldnow encoders were not properly upgraded to work with the Windows 7 platform that WNEM uses for streaming its newscasts. Upon recognizing the closed captioning issue, WNEM's engineering and web staff worked with Worldnow personnel to configure their systems to properly extract closed captions in real time and allows online viewers to access the closed captioning. Worldnow upgraded its software to function with the Windows 7 platform and the station activated the closed captioning button on the station's web streaming video player. WNEM quickly remedied the problem and ensured that closed captioning is available on its live web streams in a manner consistent with the FCC's rules. A closed captioning button is now available on its online video and when the button is activated, closed captions are properly displayed.

In his complaint, Mr. Lyons said that he was dissatisfied with the response he received from station personnel. WNEM has no record of receiving a telephone contact. Moreover, the response that Mr. Lyons describes is inconsistent with the training that WNEM personnel receive and the approach that the station's personnel take to captioning issues. WNEM is aware of its closed captioning obligations and takes those obligations seriously. WNEM provides several mechanisms (e.g., telephone, email and facsimile) by which one can inform the station of closed captioning problems. A viewer can report any closed captioning problems by emailing the station's Closed Captioning Concerns e-mail at captioning.complaint@wnem.com. In addition, viewers can contact the Captioning Hotline about closed captioning concerns by telephone or facsimile. A station representative receives and responds to any and all viewer comments or complaints within 24 hours or one business day. If Mr. Lyons experiences difficulties with the

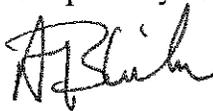
March 30, 2012. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, 77 Fed. Reg. 19480 (Mar. 30, 2012).
⁵ 27 FCC Rcd at 804-06, ¶¶ 26-27.

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station's closed captioning during scripted programs in the future, WNEM encourages him to use one of the contact methods listed above to inform the station.

WNEM takes great pride in serving the local communities in Mid-Michigan and continually reassesses its service to the community. In an effort to provide all members of the local communities with access to its online programs, WNEM now provides local viewers with closed captioning information that fulfills its obligations under the Commission's rules. If you should have any further questions or concerns, please do not hesitate to be in touch with our counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Al Blinke". The signature is written in a cursive style with a large initial "A" and "B".

Al Blinke
General Manager

cc: DROinquiries&complaints@fcc.gov
Mr. Chet Lyons (via e-mail)

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

June 3, 2013
(Lyons) (WNEM Streaming)
FCC Case No. 13-C00490214

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

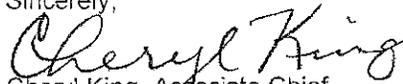
Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St, SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

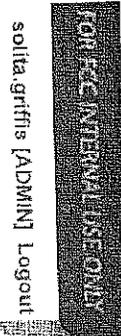
A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Cheryl King, Associate Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau



solla.griffis [ADMIN] Logout

Admin 2000 [Switch to Admin1088]

HOME SERVE SEARCH NEW COMPLAINT ASSIGN ADMIN HELP DOWNLOAD

In-Process Completed Served All In-Process All Completed

Carrier Lookup

Form 2000C (Disability Access Complaint) : 13-C00490214-1

« Back to Complaints
User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form
Email Factsheet(s)

USER FORM

User Complaint Number: 13-C00490214

Complaint Source: Web

Submission date: 04/19/2013

CONSUMER'S INFORMATION

First Name: chet

Company Name: (Complete only if you are filing this complaint on behalf of a company or an organization)

PO Box:

Address1: 201 center ave

City: bay city

Telephone Number(Residential or Business): (989) 893-2323 Ext:

Email Address: chetfoster@rocketmail.com

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
If yes, complete items a through h.
Your relationship with the party:

The party's first name:

The party's last name:

The party's daytime phone number: () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

Consumer Party History Consumer History Form History Edit Form

User Complaint Key: 13-C00490214-1

Added User: Consumer

Last Name: Lyons

Address2:

State: MI Zip Code: 48708

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- Letter Facsimile (fax) Telephone Voice
 TRS (designate form of TRS and appropriate contact information)
 TTY Internet E-mail ASCII Text Audio-Cassette Recording Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- Telecommunications Relay Service (TRS) (for example, TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
 Accessibility of emergency information on television
 Closed Captioning on television (from a television station or subscription TV provider, for example, cable, fiber optic or satellite)
 Closed Captioning of television programs streamed or downloaded from the Internet (for example, to your computer, tablet, smartphone, television, video game console, or other Internet-enabled device)
 Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
 Wireline telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
 Video Description (audio narrated descriptions of a TV program's key visual elements)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: **WNEM TV 5 107 North Franklin Street**

City: **Saginaw State, MI** Zip Code: **48607**

Telephone number: **(989) 755- 8191**

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:
4. If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy) Time: and any details of when the event or action you are complaining about occurred:
5. If your complaint is about access to emergency information on television, provide the following information:
- a. Television station call sign and network name (if applicable), or channel name (for example, "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):

- b. Channel (for example, "13"):
- c. Station or subscription TV provider system location:
City: County: State:
- d. Date(s) and time(s) of emergency: and time
- e. Detailed description of the emergency (for example, flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):
6. If your complaint is about video description or closed captioning on television, provide the following:
 - a. Television station call sign and network name (if applicable), or channel name (for example, "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):
 - b. Channel (for example, "13"):
 - c. Station or subscription TV provider system location:
City: County: State:
 - d. If you pay to receive television programming, type of subscription service (for example, cable, satellite):
 - e. If you pay to receive television programming, name of company to whom you subscribe:
 - f. Name of program(s) involved:
7. If your complaint is about closed captioning of television programs streamed or downloaded from the Internet, provide the following information:
 - a. Information about the program viewed (for example, "Orange Blossoms, Season 3, Episode 6"): **WNEM Streaming Live Newscasts 12pm, 5pm, 6pm**
 - b. Name, address, website, or e-mail address of the program distributor, provider, and/or owner (for example, "WZUF-CBC.com," "WZUE-TV.com," "SportingchannelWest.com," "TV&MoviesOnline"):
<http://www.wnem.com/category/213225/live-stream>
 - c. Information about the device or software used to view the program (for example, manufacturer, model, name of video player software or application): **3 different PCs**
 - d. Date (mm/dd/yyyy): **04/19/2013** and time **12:15 PM** the program was viewed.
8. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complainant either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the

complaint is being made. When is airing their 12noon, 5pm, and 6pm broadcasts on the internet without any form of closed captioning. I have checked several times from april 1 to april 19th and only the video displayed, no captioning. there isn't even a button available on the website to provide closed captioning if offered. when broadcast on the tv, there is captioning. there is none on the video. when contacting the station about closed captioning, woman said that it wasn't a big deal.