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October 24, 2014

VIA HAND DELIVERY AND EMAIL

Ms. Susan L. Kimmel
Deputy 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, Michigan
Facility Identification Number 41221
FCC File Number 14-C00600690 (Shaw) (Meredith Corporation (WNEM-TV))
Response to Notice of Informal Complaint

Dear Ms. Kimmel:

On behalf of Meredith Corporation (“Meredith”), the FCC licensee of WNEM-TV, Bay City, Michigan, we hereby submit Licensee’s response to an October 3, 2014 letter from the Commission’s Consumer and Governmental Affairs Bureau (the “Letter”). The Letter forwarded a complaint from Mr. Larry Shaw regarding the lack of closed captioning during a locally produced fireworks special that aired on the Fourth of July.¹ Meredith is pleased to be able to respond to the Commission and to send a copy of its response directly to Mr. Shaw today.

Meredith takes seriously all viewer comments and concerns and attempts to resolve any captioning issues promptly. Upon receiving the complaint, Meredith conducted a thorough investigation into the matter. As explained in more detail below, Meredith is confident that it has met its obligations regarding the provision of closed captioning on WNEM-TV.

The Commission’s rules allow stations outside the Top 25 markets, like WNEM-TV, to utilize the electronic newsroom technique (“ENT”) in lieu of live captioning for scripted news

¹ *Notice of Informal Complaint*, from Susan L. Kimmel, Deputy Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to WNEM-TV, File No. 14-C00600690 (Shaw) (Meredith Corporation (WNEM-TV)). Specifically, Mr. Shaw’s complaint stated that WNEM-TV’s Fourth of July fireworks special did not include closed captions.

The Commission's rules allow stations outside the Top 25 markets, like WNEM-TV, to utilize the electronic newsroom technique ("ENT") in lieu of live captioning for scripted news programming.² The ENT captioning system simultaneously feeds the teleprompter for the anchors and generates closed captioning for the audience. As the Commission has recognized, however, this system does not generate captioning for non-scripted elements of broadcasts.³ By allowing stations outside the Top 25 markets to rely on ENT to provide captioning during newscasts, the Commission has provided these stations with a captioning exemption for portions non-scripted portions of news programs. Meredith utilizes the ENT method to produce closed captions for each of its local newscasts at WNEM-TV.

In this instance, however, the program referenced by Mr. Shaw was not a local newscast. While Mr. Shaw characterizes it as a live news special, it was live coverage of local fireworks in celebration of the Fourth of July holiday. WNEM-TV's fireworks special was exempt from the Commission's captioning requirements under the "locally produced, non-news programming exemption."⁴ That provision of the FCC's closed captioning rules exempts certain programming from the obligation to contain closed captions if: 1) it is locally produced by the video programming distributor, 2) has no repeat value, 3) is of local public interest, 4) is non-news programming, and 5) the electronic newsroom technique is not available. The Commission adopted this exemption to acknowledge the public service local broadcasters serve by presenting "certain types of locally produced and distributed programs that are of primarily local public interest, have little repeat value and have an inherently fragile economic support system."⁵

Meredith's live fireworks special on the Fourth of July is exactly the type of programming that the FCC sought to protect when it codified the exemption. WNEM-TV produced the special for its local viewers and because of the nature of the event, determined that there was no repeat value in the program, nor was the program distributed outside the station's local market. The show included certain station on-air personalities who ad-libbed interviews with attendees and instrumental patriotic music in the background during the fireworks display. Because the fireworks special was not scripted, the ENT method of producing captions was unavailable. WNEM-TV's airing of the local Fourth of July fireworks special clearly falls squarely under this exemption.

Notwithstanding these exemptions, Meredith is aware of its closed captioning obligations and takes those obligations seriously. As such, the station has monitoring systems in place to ensure that the station's equipment properly passes through all captions embedded within the station's programming. Station personnel work to research and resolve any closed captioning issues as quickly as possible. WNEM-TV provides several mechanisms, including both phone and email, by which viewers can inform the station of closed captioning problems. A viewer can report any closed captioning problems by emailing the station's Closed Captioning Complaints email at

² Closed Captioning and Video Description of Video Programming, *Order on Reconsideration*, 13 FCC Rcd 19973, ¶ 37 (1998); 47 C.F.R. § 79.1(e)(3). Nielsen has assigned WNEM-TV to the Flint-Saginaw-Bay City, MI Designated Market Area, ranked number 70. The station thus qualifies to use the electronic newsroom technique.

³ Reminder to Video Programming Distributors of Obligation to Make Emergency Information Accessible to Persons with Hearing or Visual Disabilities, *Public Notice*, 20 FCC Rcd 5918 (2005).

⁴ 47 C.F.R. § 79.1(d)(8).

⁵ Closed Captioning and Video Description of Video Programming, 13 FCC Rcd 3272, 3347-48 ¶ 158 (1998).

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captioning.complaint@wnem.com. In addition, viewers can contact the Captioning Hotline about closed captioning concerns by phone. A station representative receives and responds to any and all viewer comments or complaints within 24 hours or 1 business day. If Mr. Shaw experiences difficulties with the station's closed captioning in the future, Meredith encourages him to use one of the contact methods listed above to inform the station.

Meredith submits that it provides local viewers with closed captioning information that fulfills our obligations under the FCC's rules. Meredith takes great pride in serving Bay City and continually reassesses its service to the community.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Christina H. Burrow".

Christina H. Burrow
Henry H. Wendel

Attachment

cc: Ms. Susan L. Kimmel (via e-mail)
Ms. Judy Miller (via e-mail)
Mr. Larry Shaw (via e-mail)

DECLARATION OF AL BLINKE

1. My name is Al Blinke and I am Vice President and General Manager of WNEM-TV.
2. I have read the foregoing letter prepared in response to the FCC's Notice of Informal Complaint and believe it to be true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry.

A handwritten signature in black ink, appearing to read 'Al Blinke', written over a horizontal line.

Al Blinke
Vice President and General Manager
October 24, 2014