



Bill Lamb
President & General Manager

billlamb@fox41.com

June 6, 2012

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: WDRB(TV), Louisville, Kentucky
Facility Identification Number 28476
FCC File Number 12-C00386082-SG (Fox 41) (Hitch)
Response to Notice of Informal Complaint

Dear Ms. Kimmel:

Independence Television Company, licensee of WDRB(TV), Louisville, Kentucky, recently received from the Federal Communications Commission's Consumer & Governmental Affairs Bureau a letter dated May 7, 2012, attaching a complaint to the FCC from Ms. Malicia Hitch of Frankfort, Kentucky regarding WDRB's closed captioning on two occasions in March 2012.¹

WDRB takes very seriously all viewer comments and concerns. Accordingly, we commenced a thorough investigation of our television station's broadcasts at the time in question. As explained in more detail below, we could find no evidence to suggest that WDRB experienced any closed captioning problems as described in Ms. Hitch's complaint. WDRB's closed captioning equipment is up-to-date and in proper working order. Moreover,

¹ *Notice of Informal Complaint*, from Susan L. Kimmel, Deputy Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to WDRB(TV), File No. 12-C00386082-SG (May 7, 2012). Specifically, Ms. Hitch's complaint stated that while she was at a relative's home on March 23 and March 30, 2012 watching WDRB's broadcasts of the FOX program Fringe, the closed captioning was missing for the majority of both broadcasts. The complaint also states that the relative receives the digital signal from WDRB by way of an antenna.

WDRB monitors its closed captioning on both its standard and HD programming streams in several different ways. The station maintains five separate televisions on which operators continuously monitor the station's broadcasts via the over-the-air signal, the analog cable signal, HD cable, DirecTV and Dish Network. The station keeps meticulous records of any noted discrepancies which are referred to station engineers for resolution. During the programs in question, the station's contemporaneously kept records noted no issues involving closed captioning. Additionally, the station has received no other viewer complaints about its closed captioning during these dates. Upon receipt of Ms. Hitch's complaint, WDRB reached out to the FOX Technical Operations Center, which reported no known problems with FOX's closed captioning on the dates in question. All in all, after conducting its exhaustive investigation, WDRB can find no evidence to suggest that there were any problems with its closed captioning on either night as described in the complaint.

WDRB provides several mechanisms, both phone and email, by which viewers can inform the station of closed captioning problems. Indeed, a viewer can report any closed captioning problems by emailing the station's Closed Captioning Hotline at gshroder@fox41.com or directing written concerns to the Director of Programming and Operations at hbeam@fox41.com. In addition, viewers can contact the Captioning Hotline by phone. A station representative responds to any and all viewer comments or complaints within 24 hours or 1 business day. If Ms. Hitch experiences difficulties with the station's closed captioning in the future, WDRB encourages her to use one of the contact methods listed above to inform the station.

WDRB submits that we provide local viewers with closed captioning information that fulfills our obligations under the FCC's rules. WDRB takes great pride in serving Louisville and continually reassesses its service to the community. If you have any further questions or concerns, please do not hesitate to contact our counsel.

Respectfully submitted,



Bill Lamb
General Manager

cc: Malicia Hitch

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

Date: May 7, 2012

In reply refer to case numbers: 12-C00386082 -SG
Fox 41 (Hitch)

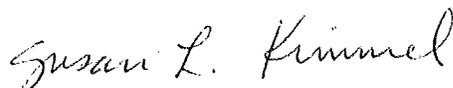
THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Solita.Griffis@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Solita Griffis at (202) 418-1564 or Solita.Griffis@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel,
Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl



Admin 2000 [Switch to Admin1088]

[HOME](#) [SEARCH](#) [NEW COMPLAINT](#) [HELP](#) [DOWNLOAD](#)
[In-Process](#) [Completed](#) [Served](#)

solita.griffis [CAM] Logout
 Regular FO de
 Fox 4/
 Carrier Lookup

« Back to Complaints

Form 2000C (Disability Access Complaint) : 12-C00386082-1

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

USER FORM

[Consumer Party History](#) [Consumer History](#) [Form History](#) [Edit Form](#)
 User Complaint Number: 12-C00386082 User Complaint Key: 12-C00386082-1

Complaint Source: Web Added User: Consumer
 Submission date: 04/01/2012

CONSUMER'S INFORMATION
 First Name: Malicia Last Name: Hitch

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

PO Box:
 Address1: 5222 Capital Ave Address2: Apt 4
 City: Frankfort State: KY Zip Code: 40601

Telephone Number(Residential or Business): (502) 385-0461 Ext:
 E-mail Address: southerncat1@yahoo.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: 0 - Ext:
 The party's street address or post office box number:
 City: State: Zip Code:

E-mail Address:

Fax Number: 0 -

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) (i.e., TTY-based, IP Relay, CapTel, JP CapTel, Speech-to-Speech, Video Relay Service (VRS))
 Accessibility of emergency information on television
 Closed Captioning
 Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
 Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

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

Name: **WDRBMMYO TV 624 W Muhammad Ali Blvd**
 City: **Louisville State: KY Zip Code: 40203**
 Telephone number: **(502) 584-6441**

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 (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):
- b. Channel (e.g., "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 (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about closed captioning, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"); **Fox 41**

b. Channel (e.g., "13"); **41**

c. Station or subscription TV provider system location:
City: Louisville County; Jefferson State: KY

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite); **Antenna**

e. If you pay to receive television programming, name of company to whom you subscribe:

f. Name of program(s) involved: **Fringe (3/23); Fringe (3/30)**

7. 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 complaint 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. **I was watching Fringe at a relative's house. Relative has an antenna that receives Fox-41's digital station. Noted captioning was missing for large parts of the show on 3/23 and 3/30. Relative had to repeat the majority of the dialogue. Prior to 3/23, we have not noticed any issues with captioning on that station. I receive service from Fox's Lexington, Kentucky station (WDKY) and there are no issues with captioning there, only with Fox 41.**