



Henry H. Wendel
+1 202 776 2943
hwendel@cooley.com

May 22, 2015

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: WSOC-TV, Charlotte, North Carolina
Facility Identification Number 74070
FCC Complaint Ticket No. 244705
Response to Notice of Informal Complaint

Dear Ms. Kimmel:

On behalf of WSOC Television, Inc. ("WSOC"), licensee of WSOC-TV, we hereby submit WSOC's response to an April 23, 2015 letter from the Commission's Consumer & Governmental Affairs Bureau (the "Letter").¹ The Letter forwarded a complaint from Ms. Lynn Dey, which states that WSOC-TV did not caption weather cut-ins broadcast by WSOC-TV during the 7 p.m. hour on Sunday, April 19, 2015. WSOC takes seriously all viewer comments and concerns and uses all efforts to review and resolve complaints promptly. Upon receiving the complaint, WSOC conducted a thorough investigation into Ms. Dey's observations. This response, a copy of which is provided directly to Ms. Dey, reflects the result of that investigation.

The Commission's Emergency Programming Rule requires video programming distributors, such as WSOC-TV, to make "emergency information" accessible to viewers

¹ *Notice of Informal Complaint*, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to WSOC-TV, File No. 244705 (Apr. 23, 2015). As requested in the Letter, WSOC attaches a CD with a recording of the programming at issue.

with hearing and visual disabilities.² Section 79.2 of the Commission's rules defines "emergency information" as follows:

Information, about a current emergency, that is intended to further the protection of life, health, safety, and property, i.e., critical details regarding the emergency and how to respond to the emergency.³

Stations may comply with the rule by providing either closed captions or on-screen graphics that convey the emergency information included in the aural portion of the segment.

During the 7 p.m. hour on April 19, 2015, WSOC-TV aired two, brief weather cut-ins to notify viewers of weather conditions in the Charlotte market. During the cut-ins, WSOC aired graphics that notified viewers that the station was providing severe weather updates and displayed the rate of rainfall in several locations. Due to limitations in existing procedures, certain audible information in the two segments was not conveyed using closed captions or on-screen graphics.

After receiving the complaint, WSOC immediately re-assessed and modified its procedures for conveying severe weather coverage information to ensure that the lapse observed by Ms. Dey would not re-occur. One factor that contributed to the lapse is that WSOC's third-party captioning provider requires advance notice to arrange the staffing needed to caption live cut-ins.

WSOC now requires its programming personnel to contact the captioning provider immediately upon determining the station will air breaking news coverage of an emergency. Based on WSOC's prior successful captioning of other cut-ins, there should be sufficient time to ensure the provider will provide the necessary captions. If, however, the coverage is required to begin before live captions can start, rather than delay the coverage, station personnel will display the critical details regarding the emergency in supplemental on-screen graphics. WSOC is confident that this enhancement of its captioning procedures, combined with the mandatory training it has provided to programming personnel, will ensure that its local coverage of emergency information will comply with all FCC rules.

WSOC has long been committed to providing quality programming for all of its viewers. WSOC captions all of its locally produced programming in compliance with

² 47 C.F.R. § 79.2(b).

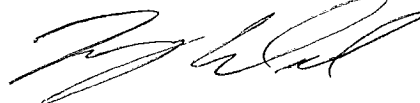
³ *Id.* § 79.2(b)(2).

FCC rules. Indeed, in her complaint, Ms. Dey acknowledged that WSOC provides excellent closed captions for its programming. Also, prior to receiving the closed captioning complaint, Joe Pomilla, WSOC's Vice President and General Manager invited a number of community leaders from the deaf and hard of hearing community in Charlotte to meet with key station personnel and the station's captioning provider. In the meeting, WSOC's staff hopes to learn how it can better serve the needs and interests of the deaf and hard of hearing community. Furthermore, Mr. Pomilla has contacted Ms. Dey directly to inform her of the change in the station's procedures and to solicit her comments on the station's service to the local community.

Moreover, WSOC provides several approaches by which viewers can share their questions or concerns about the WSOC-TV closed captioning service. A viewer can report any closed captioning problems by sending a message to the station's Closed Captioning Concerns mailbox at wsoccaptioninghotline@wsoc-tv.com. In addition, viewers can contact the WSOC-TV Closed Captioning Hotline by telephone. A station representative receives and responds to any and all viewer comments or complaints within one business day.

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

Respectfully submitted,



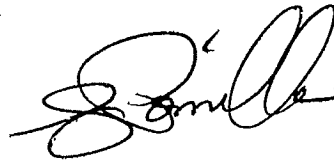
Michael D. Basile
Henry H. Wendel

Attachments

cc (via e-mail): Ms. Sherita Kennedy
Ms. Lynn Dey
Mr. Joe Pomilla

DECLARATION OF JOE POMILLA

1. My name is Joe Pomilla and I am Vice President and General Manager of WSOC-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 'J. Pomilla', written over a horizontal line.

Joe Pomilla
Vice President and General Manager
May 22, 2015