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July 26, 2013

Via Messenger and E-Mail

Susan L. Kimmel
Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: Notice of Informal Complaint of David Walsh
File No. 13-C00490954 (NBC)

Dear Ms. Kimmel:

On behalf of NBCUniversal Media LLC and its owned television station WCAU, Philadelphia, PA (the "Station"), we hereby respond to the above-referenced Notice of Informal Complaint ("Complaint") filed by Mr. David Walsh regarding the absence of closed captions during a special, unscheduled live local news report on the Boston Marathon bombings broadcast from 7:30PM to 8:00PM on April 15, 2013 (the "Report").

At the outset, we stress that NBCUniversal and the Station are committed to providing accurate and accessible closed captioning on all programming that is required to be captioned. We know that captioning is critically important to our deaf and hard-of-hearing viewers. We take this responsibility seriously, and we work hard with our captioning service providers to ensure that all non-exempt programming is captioned. We also greatly appreciate Mr. Walsh's interest in the programming presented by the Station.

After we received the Complaint, we investigated the facts underlying the Complaint and determined that Mr. Walsh was correct that captions were not available on the Report. Because the Report was added to the broadcast schedule on the day it was broadcast and

preempted previously scheduled captioned programming, it was incumbent on the Station to notify the captioning service provider prior to the broadcast that live captioning would be needed at that time. The Station inadvertently failed to do so, resulting in the absence of captions. Similar circumstances occurred on May 15, 2013, when the Station broke into previously scheduled and captioned programming to broadcast a live special report from 12:32:13PM to 12:39:32PM concerning the verdict in the Kermit Gosnell murder trial in Philadelphia. The May 15, 2013, incident is the subject of a Notice of Informal Complaint also filed by the Walsh household.¹ Because the previously scheduled programming was already captioned, it was necessary for the Station to contact the service it uses for live captioning and arrange to have the special news report live-captioned, but the Station inadvertently failed to do so.

As a result of these two incidents being brought to the Station's attention by the Walsh household via the Complaints filed with the FCC, the Station has modified its procedures to ensure that breaking live news stories are captioned in the future. Specifically, when coverage of breaking news or weather events preempts regularly scheduled programming, the primary assignment editor will contact the Station's captioning service provider to commence closed captioning for the live broadcasts. If the assignment editor is unable to make the call, he or she must alert the primary operator in the Digital Operations Center ("DOC") or the Media Specialist and ask the DOC staff or Media Specialist to contact the captioning service provider to initiate closed captions. All of these workstations are staffed at all times, which will facilitate timely initiation of captions. A new internal email distribution list has been created to include all Station personnel with responsibility for ensuring that programming required to be captioned is in fact captioned. Under this new procedure, the captioning service provider will send a confirming email to that distribution list verifying that it has received the request to provide live captioning for the breaking news event. Finally, the telephones in all three of these workstations have been modified to add a pre-programmed button for the Station's captioning service provider labeled CAPTION. The Station's staff has been briefed on these new procedures and reminded of the importance of timely and accurate captions on all non-exempt programming.

Finally, we note that the Station has a designated staff person with responsibility for addressing closed captioning problems. His contact information may be found on the Station's website at: <http://www.nbcphiladelphia.com/on-air/community/Closed-Captioning-on-NBC-Philadelphia-119734664.html> and on the homepage of the Station's online public inspection file at: <https://stations.fcc.gov/station-profile/wcau>. If Mr. Walsh or his family members encounter captioning problems on the Station in the future, we encourage them to reach out immediately to the Station's designated closed captioning contact so that the problem may be resolved as quickly as possible.

¹ See FCC Case No. 13-C00496386(SK). The response to that NOIC is due on August 9, 2013.

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We regret the inconvenience caused to Mr. Walsh, and we appreciate that he expressed his concerns to the Commission, because this gives us an opportunity to review and, where possible, improve our performance in this important area. Please contact the undersigned if you have questions or need additional information with respect to this matter.

Respectfully submitted,



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