

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

**OFFICIAL**  
**NOTICE OF INFORMAL COMPLAINT**

August 3, 2011

In reply refer to case number: 11-C00319381 (SK)  
(Botts) (WTTW-TV)

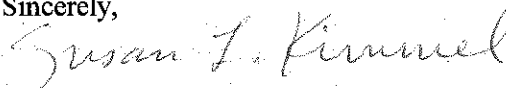
**THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE.** Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications 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 12<sup>th</sup> 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](mailto:Susan.Kimmel@fcc.gov) AND to [Sherita.Kennedy@fcc.gov](mailto:Sherita.Kennedy@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 Sherita Kennedy at (202) 418-0287 or [Sherita.Kennedy@fcc.gov](mailto:Sherita.Kennedy@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/CGB

Attachment(s)  
K:613/79.1



FOR FCC INTERNAL USE ONLY

Admin 2000 [ Switch to Admin1088 ]

Sherita.Kennedy [CAM] Logout

HOME SEARCH NEW COMPLAINT HELP DOWNLOAD  
 In-Process Complaints Completed Complaints Served Complaints

[« Back to Complaints](#)

## Form 2000C (Disability Access Complaint) : 11-C00319381-1

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: 11-C00319381

User Complaint Key: 11-C00319381-1

Complaint Source: Web

Added User: Consumer

Submission date: 07/24/2011

## CONSUMER'S INFORMATION

First Name: Elizabeth

Last Name: Botts

Company Name:

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

PO Box:

Address1: 332 S. Wesley Ave.

Address2: Apt. 2

City: Oak Park State: IL

Zip Code: 60302

Telephone Number(Residential or Business): (709) 383 -6341 Ext:

E-mail Address: bethbotts@bethbotts.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:

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:

- Check the appropriate box for your type of complaint:
  - Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP 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)
- Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:
 

Name: **WTTW**

City: **Chicago** State: **IL** Zip Code: **60302**

Telephone number: **(773) 583- 5000**
- 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: **television**
- If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy) **07/24/2011** Time: **10:00 PM** and any details of when the event or action you are complaining

about occurred: **Starting tonight at 10 p.m. Central time, WTTW (a PBS affiliate) is showing "Dr. Who" with the closed captions from some documentary about immigration reform. Since the captions are clearly from a PBS program, it is obvious that the problem is with WTTW and not with the cable TV provider. (I have called a friend who gets TV by antenna rather than cable and she confirms the same problem.) Last week "Dr. Who" had no captions at all. WTTW lists a "captioning hotline" on their website, but the number leads to a dead-end phone tree. There is no one to call to complain about a program's captioning while it is airing. WTTW programs are frequently not captioned or the captions malfunction; when I complain, they pretend the problem is with the cable company. Apparently they don't even monitor the caption feed in the control room to make sure it's working. This violates their legal obligation and the terms of their license.**

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"): **WTTW PBS**
  - b. Channel (e.g., "13"): **11**
  - c. Station or subscription TV provider system location:  
City: **Chicago** County: **Cook** State: **IL**
  - d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite): **cable**
  - e. If you pay to receive television programming, name of company to whom you subscribe: **Comcast**
  - f. Name of program(s) involved: **"Dr. Who"**
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 want: 1. WTTW to make sure, whenever it runs or reruns "Dr. Who," that the captions are properly delivered for every episode. 2. WTTW to faithfully, meticulously caption every other program on its schedule also. 3. WTTW to have a monitor in its control room showing the caption feed and to monitor that feed at all times to make sure it works well for every program 4. WTTW to provide a phone number that is answered by a live person who can actually solve a problem for every minute the station is on the air, 24 hours a day, so that caption problems can be reported and corrected when they occur. 5. WTTW to apologize on its website to me and all its deaf and hard of hearing audience members for its ongoing failure to deliver captions carefully and consistently.**

wttw11 | 98.7wfmt

August 31, 2011

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554  
ATTENTION: Consumer & Government Affairs Bureau  
Disability Rights Office

Re: 11-C00319381 (SK)  
Station WTTW(TV) (Botts)  
Window to the World Communications, Inc.  
Response to Notice of Informal Complaint

Dear FCC:

Window to the World Communications, Inc., licensee of noncommercial educational television station WTTW, Chicago, Illinois, responds to the above-referenced Notice of Informal Complaint dated August 3, 2011. The Notice informed WTTW of a consumer complaint filed with the Commission concerning the closed captioning of a "Dr. Who" episode broadcast over WTTW on July 24, 2011 at 22:00.

As explained below, WTTW has investigated this matter and has determined the underlying technical problem which led to the captioning mistake identified by the complaint. In addition, WTTW has taken the actions detailed in this response which it hopes will adequately address this matter and the concerns of the complainant. WTTW very much regrets the error and offers the following responses with regard to this complaint.

***Investigation and identification of captioning issue.*** WTTW technical staff has investigated the captioning problem noted by the complainant with respect to the Dr. Who program. Its review of the situation revealed that an unintentional error during the program's conversion (or "dubbing") process resulted in the improper captioning of the Dr. Who program as broadcast on July 24, 2011. Following the investigation, WTTW corrected the captioning of this program as of August 8, 2011.

Specifically, WTTW's review revealed that the captioning issue resulted from the fact that the Dr. Who program was not made available to the station as a high definition program and

therefore required a conversion process that affected the closed captioning. Given the Dr. Who program's initial standard definition formatting, WTTW was required to dub the show into its play out server through a device that transforms (or "up-converts") a standard definition program into high definition. In order for the closed captioning information to be properly encoded onto the high definition version of the show, a second device (known as a captioning encoder) is required. This device reads the closed captioning information from the standard definition tape, converts it into the proper format for high definition, and then inserts the data into the video stream so that viewers at home can retrieve and display the captions.

It is WTTW's belief that at the time of the dubbing process, the closed captioning encoder was not being fed captioning data from the videotape recorder playing back the Dr. Who program, but rather from a separate device on which a Frontline documentary program was being recorded at the same time; thus although captions were present in the converted Dr. Who episode, they did not match the program. Notably, a patch cord is required to route the captioning data to the encoder, and in this case the patch cord was placed incorrectly.

***Corrective measures.*** Despite the occurrence of this problem, WTTW believes that its already-implemented equipment upgrades will prevent future problems from arising during the dubbing process. Notably, between the time that the Dr. Who program identified by the complaint was dubbed and the date of its broadcast, WTTW replaced the two video servers – one standard definition and one high definition – that play out the station's recorded programs for broadcast with a single server that plays back both standard definition and high definition formats and also up-converts or down-converts the programs as needed. This new server device effectively eliminates the need for the type of high definition dubbing that caused the problem with the previously-converted Dr. Who program. To the extent possible, WTTW staff are also now taking steps to review program archives in an effort to identify other programs that were ingested in the same manner, in order to confirm the presence of the correct captioning information. In addition, as discussed below, WTTW has also reviewed its monitoring procedures to assist with identification of similar problems in the future.

***Station contact information and response procedures.*** WTTW is grateful to its viewers for their assistance in identifying closed captioning issues such that the station may take aggressive action to resolve them. Accordingly, WTTW is pleased to make available on its web site station contact information for closed captioning concerns. WTTW strives to ensure that its staff is capable of quickly responding to and addressing such consumer complaints, including technical issues. In order to ensure that WTTW responds to consumer closed captioning issues in a timely manner, it has changed the way in which calls to the captioning line are handled and routed. All calls will be simultaneously routed to the desk of the Vice President of Engineering, the Director of Engineering Maintenance and Information Technology, and to a phone located in the Master Control location. If a call is not immediately answered due to the time of day and/or staff availability, a message indicator will show that there is a message pending, to allow for a timely response by appropriate personnel.

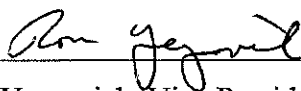
***Additional information and conclusion.*** WTTW deeply regrets the difficulty that its viewers experienced with respect to the captioning of the Dr. Who program. Although WTTW has modified its equipment and procedures for the current and future conversion of older video

programming (and captioning) for broadcast, its archives contain 1,000's of existing programs that may have already been converted. Moreover, in this particular instance, because the conversion error did place captions in the Dr. Who program (albeit the incorrect captions), a cursory monitoring of the broadcast would have revealed the presence of closed captioning; only a closer inspection would have demonstrated that in fact, incorrect captions were included. However, with 4 independent program streams to monitor and other technical responsibilities related the operation of the station, it is likely that WTTW engineers tasked with monitoring compliance (closed captioning is routinely displayed on the station's program monitors) may have noted the presence of captions but not the unexpected program mis-match resulting from the conversion error. Nonetheless, WTTW engineering staff has now been instructed to be vigilant of this particular issue.

WTTW remains strongly committed to disability rights. The station broadcasts an average of 20 hours of local productions and 148 hours of PBS programming on a weekly basis, and strives to ensure that all of this programming complies with applicable closed captioning regulations. Thus, WTTW once more expresses its regret with respect to the difficulties encountered by the complainant. However, as explained in this letter, WTTW has investigated the problem and taken steps to address the underlying technical issue (including replacement of program conversion equipment), as well as its consumer complaint intake and broadcast monitoring procedures. WTTW therefore believes that it has made the appropriate efforts to prevent this situation from impacting WTTW's overall compliance on matters of disability rights and closed captioning. Accordingly, WTTW respectfully submits that a further enforcement effort on behalf of the Consumer and Governmental Affairs Bureau is unnecessary in consideration of this response.

Sincerely,

WINDOW TO THE WORLD  
COMMUNICATIONS, INC.

By: 

Ron Yergovich, Vice President, Engineering  
WTTW, Chicago

Date: August 31, 2011

cc: [Susan.Kimmel@fcc.gov](mailto:Susan.Kimmel@fcc.gov)  
[Sherita.Kennedy@fcc.gov](mailto:Sherita.Kennedy@fcc.gov)  
[bethbotts@bethbotts.com](mailto:bethbotts@bethbotts.com)