

Kevin O'Tool

From: Susan Domozych
Sent: Thursday, August 15, 2019 4:26 PM
To: Kevin O'Tool; Tom Hormuth Jr.
Cc: Dan Mellon; Cheryl Carson
Subject: WJLA FCC CC Complaint - June 2, 2019 Hamlin
Attachments: wjla fcc response hamlin.pdf; wjla june 2 cc log.pdf; wjla june 2 weather cut in clip.wmv

Please file the below complaint and response in the public file. Thank you.

OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that Lise Hamlin filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide televised emergency information in an accessible manner. We are inquiring into this matter pursuant to sections 713 and 4(i) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. §§ 613, 154(i), and section 79.2 of the Commission's rules, 47 CFR § 79.2.

This Notice of Informal Complaint (Notice or NOIC) directs your company, as the broadcaster or multichannel video programming distributor (MPVD), to respond fully and directly to each and every material allegation raised in the informal complaint. In your response, please provide an explanation of why you believe you are in compliance with controlling law. If your company asserts that the audible emergency information was made accessible through closed captioning, and the complaint concerns the quality of the closed captioning, please include in your response how the closed captions at issue were produced. Closed captions – no matter how they are produced, for example, by the use of the electronic newsroom technique (ENT), where permitted, by a captioning service, or by using automated speech recognition technology – are subject to the FCC's closed captioning quality standards related to accuracy, synchronicity, completeness, and placement. 47 CFR § 79.1(j). If you need to take steps to satisfy the informal complaint and come into compliance, please summarize your proposed actions and the timeframe for completion.

Your response is due no later than thirty (30) days from the date of this Notice.

Please include with your response a recording, such as a DVD or electronic file, of the time(s) and date(s) of the event(s) described in the complaint.

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. Recordings may be sent by U.S. postal mail to the Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554. Be sure to verify the complainant's name and the ticket number. In addition, please include the name of a company representative to whom all future correspondence about the complaint should be directed. You are further directed to send a copy of the response to the complainant in the preferred format requested by the consumer, at the same time the response is provided to the Commission. Finally, please retain all records that are or may be pertinent to the allegations raised in the complaint for one year after the date of this Notice, unless otherwise instructed. To prepare your response to this Notice, you should also check the ticket at <https://consumercomplaints.fcc.gov/access> where the complainant may have filed additional complaints or other supporting evidence against your company. These supplemental materials will be associated with the same ticket number.

Failure to respond to a Commission inquiry is considered a violation of a Commission order and can result in the imposition of fines by the Commission. Under section 503(b) of the Act, any person who is determined by the

Commission to have willfully or repeatedly failed to comply with any of the provisions of the Act, or any rule or order issued by the Commission under the Act, shall be liable for a forfeiture penalty.

The Commission requests that your company provide a thorough response to the issues raised in this complaint, and that it use its best efforts to resolve this complaint in a timely manner. Cursory responses will be rejected. The Commission intends to make consumer complaint data publicly available – in both aggregate and individual form yet consistent with the Commission’s privacy obligations. This data will include how your company has addressed consumer complaints.

If you have any questions regarding this Notice or the informal complaint, please contact DRO at DROcarriersupport@fcc.gov or by calling 202-418-2517. In your message, please include your name, your company’s name, the ticket number, and your specific questions.

Lhamlin Jun 03 10:33 am

June 2, between approximately 6:04 - 6:12 pm, WJLA, ABC Channel 7 in Washington, DC, interrupted their televised national news broadcast to alert viewers of a Severe Thunderstorm Warning in the viewing area. That storm had damaging winds and reported hail. It was clearly enough of a event to break into their national news programming to warn viewers, yet for the approximately 8 minutes that they broke into the broadcast, there was no captioning, crawl or other text to allow me to understand what was being said. During the broadcast of the national news, captioning was on both before and after the emergency information was provided. I was viewing this at a nursing home: they do have satellite service, but I'm unsure whether they subscribe to is DirectTV, or other service provider.



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August 15, 2019

Mr. Theodore Marcus
Federal Communications Commission
Disability Rights Office
445 12th Street S.W.
Washington, D.C. 20554

**Re: Notice of Informal Complaint – Lise Hamlin
Ticket No. 3305097**

Dear Mr. Marcus:

At the direction of WJLA in Washington, D.C., Facility ID 1051 (the "Station"), this letter responds to the above-referenced Notice of Informal Complaint (the "Notice"), issued on August 1, 2019, and received on August 14, 2019, relating to closed captioning.

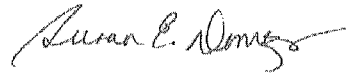
Immediately upon receipt of the Notice, the Station's Assistant Chief Engineer and News Director investigated the Station's weather cut-in on Sunday, June 2, 2019. On such date, a small but powerful thunderstorm developed quickly, and the Station cut-into regular programming at approximately 6:03 p.m. for a brief Special Weather Report. In accordance with the Station's standard protocol, the Station's Master Control contacted its closed captioning vendor in advance of the severe weather cut-in, as soon as reasonably practical given the nature of the quickly developing storm, at 6:00 p.m., however, a captioner was not immediately available. A captioner did not return the Station's call until 6:18 p.m., but by that time the Station had returned to regularly scheduled programming, for which the Station was already providing closed captioning. *See* attached copy of the Station's closed caption discrepancy log.

Although the Station would have preferred to have supplemented its weather-cut in with closed captioning (and made prompt efforts to do so), the Station's emergency weather cut-in complied with the FCC's rule governing the accessibility of emergency information. *See* 47 C.F.R. § 79.2. As shown in the attached video, the critical details of the storm coverage that were presented aurally were also conveyed in visual format so that the information was accessible to the Station's deaf and hard-of-hearing viewers. *See* 47 C.F.R. § 79.2 (requiring stations to make emergency information that is provided in the audio portion of the programming accessible "by using a method of closed captioning *or* by using a method of visual presentation, as described in § 79.1.") (emphasis added). In accordance with Section 79.2 of the Commission's rules, the Station's weather cut-in contained an informational crawl and other textual graphics relaying details about the developing weather situation, including the area affected by and the expected duration of the severe weather, as well as a Doppler radar graphic tracking the storm's movement throughout the weather cut-in.

The Station has and continues to comply with the Commission's closed captioning rules.

Please contact me if you have any questions or need any further information.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Susan E. Domozych".

Susan E. Domozych
Senior Paralegal

Cc: WJLA
Ms. Lise Hamlin

WJLA-TV Discrepancy Report(s) Details

Refer#: 73925
Station: WJLA-TV
Date: 06-02-2019
Time: 6:00:00 PM
Status: Open
Program: World News Tonight
Subject: Local News Concern
Brief: Special Weather Report / Upd
Department: News/O&E
Author: Stuart Twery

Explanation:

Severe weather prompted station to air a Special Weather Report. From 18:02:42 - 18:13:13. Director called for CC but no CC for cut in.

Action:

Weather Report aired from <enter start time> and was completed at <enter end time>.

Printed: 8/14/2019 1:53:40 PM

WJLA-TV Discrepancy Report(s) Details

Refer#: 73927
Station: WJLA-TV
Date: 06-02-2019
Time: 6:18:00 PM
Status: Open
Program: Wx Cut-In
Subject: Local News Concern
Brief: CC
Department: SASO
Author: Stuart Twery

Explanation:

The captioner called @ 18:18:00 for wx cutins. Informed captioner we had finished the WX cut ins.

Action:

Printed: 8/14/2019 1:54:07 PM