



April 25, 2019

VIA EMAIL

Ms. ShaVonne Morris
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: KPAX-TV, Missoula, Montana
Facility Identification Number 35455
FCC Ticket Number 3100368 (O'Brien) (KPAX-TV)
Response to Notice of Informal Complaint

Dear Ms. Morris:

On behalf of KPAX Communications, LLC ("KPAX"), the licensee of KPAX-TV, I am responding to the April 11, 2019 email from the FCC's Disability Rights Office attaching a complaint submitted to the FCC by Ms. Judy O'Brien regarding closed captioning during live weather coverage. Ms. O'Brien does not reference a specific day or time when captions were a problem, but rather notes generally that for three of the stations in the Missoula, Montana market (including KPAX), "when trying to follow a local weather forecast, the captioning is done long before the announcer is finished."

KPAX takes seriously all viewer comments and concerns and attempts to resolve any captioning issues promptly. While KPAX was not provided with information sufficient to investigate any specifics regarding Ms. O'Brien's complaint, upon receiving the complaint, station personnel nevertheless conducted a thorough investigation of Ms. O'Brien's observations. This response, a copy of which is provided directly to Ms. O'Brien, reflects the result of that investigation.

FCC rules allow stations outside the Top 25 markets, like KPAX-TV (which is assigned to the 164th ranked Missoula, MT DMA), to utilize the electronic newsroom technique ("ENT") in lieu of live captioning for scripted news programming. ENT captioning simultaneously feeds the teleprompter for the anchors and generates closed captioning for the audience. As the FCC has recognized, however, this system does not generate captioning for non-scripted elements of broadcasts, such as live interviews or press conferences. Station personnel, however, should make an effort to supplement non-scripted segments and live programs with captioned summaries or with crawls or other textual information.



ENT balances the needs of hearing impaired viewers against the economics of running a local newscast. Although non-scripted elements of a newscast, such as ad-libbing, field reports, and live interviews are not captioned, ENT ensures that the scripted core segments of a newscast are captioned without imposing the expense of providing real-time captioning on smaller television stations. The FCC has declined to require real-time captioning of news programming for stations outside of the Top 25 markets because of limited real-time captioning resources and high costs for stations in smaller markets.

Requiring these television stations to provide real-time captioning for every instance of news and information would result in extremely high costs that would threaten these stations' very ability to provide local news and information.

KPAX utilizes ENT to provide closed captions during the station's local newscasts. For the live weather segments, the station provides captioning by requiring its weather person to write a script that is close to what he or she plans to say over the air. While the meteorologist is on the set discussing the local weather, one of the news anchors at the anchor desk operates the teleprompter for the weather segment, and the teleprompter script feeds the closed captions. Because, however, some of the weather segment is ad-libbed, including banter between the weather person and the anchors before the actual information about the weather starts, it would not be unusual for the pre-written script to be shorter than the discussion the viewer sees on-air. This would account for Ms. O'Brien's observation that "the captioning is done long before the announcer is finished." KPAX confirms, however, that the captions Ms. O'Brien views during the weather segments include all of the critical information the meteorologist conveys during each weather segment.

Because KPAX was not provided with a specific program that prompted Ms. O'Brien's concern, the station determined to address the issue by re-educating its staff.¹ Accordingly, on April 18, the station circulated a memo to its staff who work with the teleprompter and with captioning issues to remind them of the station's closed captioning obligations and to ensure that everyone is following station policies in that regard. The station also recently added a teleprompter monitor in the station's control room so that our directors can monitor and make sure the scripts that feed the ENT system are being run correctly.

KPAX is aware of its closed captioning obligations and takes those obligations seriously. While KPAX does not have station records that show Ms. O'Brien has previously contacted the station, KPAX does provide both telephone and email methods by which viewers can inform the station of closed captioning problems. First, a viewer can report any closed captioning problem by emailing the station's Closed Captioning Concerns email at tech@KPAX.com. Viewers can also contact the Closed Captioning Hotline by telephone. A station representative receives and responds to viewer comments and complaints within 24 hours or one business day. Should Ms.

¹ KPAX notes that the FCC's rules require a complainant to provide the date and time of the programming at issue. While Ms. O'Brien has not provided the date and time when she watched KPAX's local news programming, KPAX responds to the informal complaint based on the information it did receive.



O'Brien experience difficulties with the station's closed captioning in the future, KPAX encourages her to use one of the contact methods listed above to inform the station.

Concerns email at tech@KPAX.com. Viewers can also contact the Closed Captioning Hotline by telephone. A station representative receives and responds to viewer comments and complaints within 24 hours or one business day. Should Ms. O'Brien experience difficulties with the station's closed captioning in the future, KPAX encourages her to use one of the contact methods listed above to inform the station.

KPAX-TV takes great pride in serving Missoula and western Montana and continually reassesses its service to the community. If you should have any further questions or concerns, please do not hesitate to me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hermes'.

Robert Hermes
President and General Manager, KPAX-TV

cc: Ms. Judy O'Brien (via email and U.S. Mail)