

TEGNA

MICHAEL BEDER

ASSOCIATE GENERAL COUNSEL

January 31, 2024

By Electronic Mail

Mr. Timothy Beatty



Re: Official Notice of Informal Complaint dated January 29, 2024
FCC Complaint Ticket No. 6730112

Dear Mr. Beatty:

WUSA-TV, Inc. ("Licensee"), the licensee of television station WUSA, Washington, D.C. ("WUSA"), hereby responds to your closed captioning inquiry, which the Federal Communications Commission ("FCC") forwarded to WUSA with an Official Notice of Informal Complaint dated January 29, 2024.

In your inquiry, you stated that you have not been able to view closed captions in episodes of the CBS program "NCIS Sydney" that you watch on WUSA through your Verizon Fios video service, including in the episode aired on January 23, 2024.

We are fully committed to serving all of our viewers and take seriously our closed captioning obligations under the FCC's rules. WUSA reviewed its aircheck copy of the January 23 "NCIS Sydney" episode, as aired by the station, and confirmed that captions were present. WUSA also consulted with Verizon, which confirmed that captions also appeared in the program as transmitted through Verizon's system. Verizon recommended that you call Verizon (1-800-VERIZON) for further assistance, as the missing captions could be the result of a settings issue on your set-top box.

We greatly appreciate being informed by our viewers whenever they have concerns, and we strive to ensure that the programming that airs on WUSA remains widely accessible to the public. Please do not hesitate to contact me with any further questions or concerns. WUSA's closed captioning contact is Rob Gibson, who can be reached at (202) 895-5811, or by e-mail at RGibson@wusa9.com. I can be reached at (703) 873-6902, or by e-mail at mbeder@tegna.com.

Sincerely,

A handwritten signature in blue ink that reads "Michael Beder".

cc: Timothy Wynn, FCC Consumer and Governmental Affairs Bureau, Disability Rights Office
Timothy.Wynn@fcc.gov

Beder, Michael

From: Beder, Michael
Sent: Wednesday, January 31, 2024 5:10 PM
To: [REDACTED]
Cc: Branson, Denise; FCC; Timothy Wynn
Subject: RE: Serve ticket#: 6730112 Last Name: Beatty
Attachments: WUSA NOIC Response to Beatty (1-31-2024).pdf

Good evening,

Attached, please find WUSA's response to the informal complaint served on WUSA on January 29, 2024, on behalf of Timothy Beatty, regarding captioning in the CBS program "NCIS Sydney."

Please don't hesitate to reach out to us with any further questions on this matter.

Regards,
Michael Beder

Michael Beder | Associate General Counsel | TEGNA Inc.
8350 Broad Street, Suite 2000, Tysons, VA 22102
Office: 703.873.6902 | Cell: 703.213.8992 | Email: mbeder@tegn.com

From: FCC <consumercomplaints@fcc.gov>
Sent: Monday, January 29, 2024 4:33 PM
To: Beder, Michael <mbeder@tegn.com>; Branson, Denise <dbranson@tegn.com>
Subject: Serve ticket#: 6730112 Last Name: Beatty

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password. Send suspicious email to infosec@tegn.com.

##- Please type your reply above this line -##

Due Date: 02/28/2024
Serve Date: 01/29/2024

Link to Ticket: <https://fcctest.zendesk.com/agent/tickets/6730112>
Subject: No Captioning for NCIS Sydney
Tags: cable_tv carrier_response_pending display_of_closed_captioning dro_noic_79_1 dro_serve_done email_preferred_method new_york_complaining_about no_filing_on_behalf project_6719157 project_child verizon_fios_loud_commercial virginia
Email: [REDACTED]
Method: - Cable
Issue:- -
Number subject to complaint:

Company Name:
Other Company Name:
Account #:

First: Timothy
Last: Beatty
Address: [REDACTED]
Address 2:
City: Dumfries
State: virginia
Zip: 22025
Phone where to be contacted: [REDACTED]
Filing on Behalf of Someone: No
Relationship:
First Name:
Last Name:
Serve Status: carrier_response_pending

Ticket Information:

Timothy Wynn (FCC Consumer Inquires and Complaints)

Jan 29, 2024, 4:32 PM EST

Private note

OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that Timothy Beatty filed with the Disability Rights Office (DRO). This Notice of Informal Complaint (Notice or NOIC) directs your company to follow the instructions below and respond fully and directly to each issue raised in the informal complaint. In your response, please explain how you have addressed the informal complaint. 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.

The informal complaint concerns obligations to provide closed captioning on television. As your company is either the broadcaster or multichannel video programming distributor (MVPD) 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 79.1 of the Commission's rules, 47 CFR § 79.1. If the complaint concerns the quality of the closed captioning, we remind you that 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 known, please include in your response how the closed captions at issue were produced. To support a response that asserts that the captioning at issue complies with the closed captioning quality rules, please include with your response a recording, such as a DVD or electronic file, of the broadcasted material at issue as it appeared on the date and time in

question.

If the programming at issue had been delivered to your company without captions, your company must check with the supplying network or program producer before responding to this Notice to determine whether the programming is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or to an individual petition for exemption filed under 47 CFR §79.1(f). Please note that even if the supplying network or program producer qualifies for a captioning exemption, it still has an obligation to pass through captions of already captioned programs in accordance with 79.1(c).

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. 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 complainant, 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 provided additional supporting evidence against your company.

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 uses its best efforts to resolve this complaint in a timely manner. cursory responses will be rejected. The Commission may make consumer complaint data publicly available in both aggregate and individual form 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 Timothy Wynn at Timothy.Wynn@fcc.gov or by calling 202-418-0534 (voice) or DRO's ASL line at 844-432-2275 (videophone). In your message, please include your name, your company's name, the ticket number, and your specific questions. Thank you.

Disability Rights Office
Federal Communications Commission

Timothy Wynn (FCC Consumer Inquires and Complaints)

Jan 29, 2024, 10:56 AM EST

Private note

Consumer wrote on Jan 26, 2024, 1:35 PM EST:

Good afternoon,

It was WUSA CBS Channel 9 or 509 on Verizon Fios. The show appeared on Tuesday, January 23, 2024 at 8:00 pm EST.

Timothy

Tpbeatty3

Jan 29, 2024, 10:41 AM EST

CBS has been showing NCIS Sydney a new program on Tuesday evenings at 8 pm and reruns on other days and times. Most of them have not been captioned. Last night, Tuesday 1/23/24 was another no captioned edition of this new show. This is very disappointing as everything before and after (two FBI shows) were captioned. I am not sure why they chose not to caption this series.

You are an agent. Add a comment by replying to this email or [view ticket in Zendesk Support](#).

Ticket # 6730112
Status Open
Requester Tpbeatty3
CCs –
Group WUSA-TV, Inc. (DRO)
Assignee –
Priority –
Type Ticket
Channel By Web Service

This email is a service from FCC Consumer Inquires and Complaints.