



**FOX TELEVISION STATIONS, INC.**

A UNIT OF FOX ENTERTAINMENT GROUP

144 North Capitol Street NW, Suite 730  
Washington, DC 20001  
Phone 202 715 2350 • Fax 202 824 6510  
Cell 202 679 8567 • e-mail: jdiscipio@newscorp.com

**Joseph M. Di Scipio**  
Vice President  
Legal and FCC Compliance

**VIA HAND DELIVERY**

Cheryl J. King  
Deputy Chief, Disability Rights Office  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RECEIVED - FCC

MAY 14 2010

Federal Communications Commission  
Bureau / Office

Re: Sonny Wasilowski  
Case No.: 10-C00212283(SK)

Dear Ms. King:

Fox Television Stations, Inc., the licensee of KMSP-TV, Minneapolis, MN ("KMSP-TV"), hereby responds to the Notice of Informal Complaint, as identified above, dated May 3, 2010 ("NOIC"). A letter acknowledging the receipt of the NOIC was sent to Mr. Wasilowski on May 10, 2010, and is attached as Exhibit A.

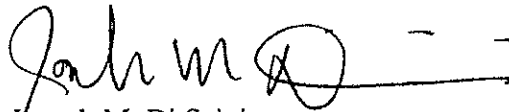
After receiving the NOIC, KMSP-TV reviewed its over-the-air recordings from both 7:00 p.m.- 8:00 p.m. and 8:00p.m.- 9:00 p.m. as broadcast on April 12, 2010. (Mr. Wasilowski noted that he was watching *House* at 8:00 p.m. on April, 12. *House* aired from 7:00- 8:00 p.m. and 24 aired from 8:00- 9:00 p.m. on April 12). The recording of the over-the-air signal revealed no "garbled" closed captioning or any other closed captioning problems in *House* or 24 as broadcast on April 12.

Mr. Wasilowski states that he watches KMSP-TV on Charter Cable in Faribault, MN on a Series2 DT TiVo (KMSP-TV has no way to monitor the retransmission of its broadcast on the Charter system in Faribault due to the distance from KMSP-TV). Because the recording of the over-the-air signal showed that the closed captioning was broadcast without a problem, the cause of the "garbled" closed captioning did not originate at KMSP-TV. KMSP-TV cannot say whether the garbling problem occurred because of the Charter retransmission of the KMSP-TV signal or in the playback on the Series2 DT TiVo or some combination of the two. Unfortunately, KMSP-TV is not able to resolve the issue because the closed captioning was working properly as broadcast by KMSP-TV.

Cheryl J. King  
May 17, 2010  
Page 2

Please contact the undersigned should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Di Scipio". The signature is written in a cursive style with a large, circular flourish at the end of the name.

Joseph M. Di Scipio

cc: Sonny Wasilowski (via email)  
KMSP-TV Public File



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**Joseph M. Di Scipio**  
Vice President  
Legal and FCC Compliance

May 10, 2010

Sonny Wasilowski  
711 1<sup>st</sup> Street, SW  
Faribault, MN 55021

Dear Mr. Wasilowski:

This letter is to confirm receipt of your inquiry regarding closed captioning on April 12, 2009 at approximately 8:00 p.m. on KMSP-TV as viewed on Charter Cable in Faribault, MN. We are reviewing the matter and expect to provide you a complete answer shortly.

Sincerely,

Joseph M. Di Scipio

cc: Marc Majerus (VP Engineering, KMSP-TV)  
Public File

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

May 3, 2010

In reply refer to case number: 10-C00212283 (SK)  
(Wasilowski) (KMSP-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 [Cheryl.King@fcc.gov](mailto:Cheryl.King@fcc.gov). 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 Francine Crawford 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,

  
Cheryl J. King, Deputy Chief  
Disability Rights Office/CGB

Attachment(s)  
K:613/79.1



Admin 2000

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) : 10-C00212283-1

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form
Email Factsheet(s)

USER FORM

[ConsumerParty History](#) [Consumer History](#) [Form History](#) [Edit Form](#)

User Complaint Number: 10-C00212283 User Complaint Key: 10-C00212283-1

Complaint Source: Web Added User: Consumer

Submission date: 04/19/2010

CONSUMER'S INFORMATION

First Name: Sonny Last Name: Wasilowski

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

Street Address or Post Office Box Number: 711 1st Street SW

City: Faribault State: MN Zip Code: 55021

Telephone Number(Residential or Business): (507) 412 -5093 Ext:

E-mail Address: sonny.wasilowski@gmail.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:

1. 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)
2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:
 

Name: Fox

City: State: CA Zip Code:

Telephone number: ( ) -
3. 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:
4. If your complaint is about closed captioning or emergency information on television,
 

provide the date (mm/dd/yyyy) 04/12/2010 Time: 08:00 PM and any details of when the event or action you are complaining about occurred: At the beginning of the show, the closed captions are perfect. At some point like the 15 minute mark or the 30 minute mark - the closed captions become garbled and continues to be garbled for the rest of the show. I

am unable to watch it and am forced to watch it when it becomes available at later date on hulu.com

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"): **KMSP-TV**
  - b. Channel (e.g., "13"): **9**
  - c. Station or subscription TV provider system location:  
City: **Minneapolis** County: **Rice** State: **MN**
  - 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: **Charter**
  - f. Name of program(s) involved: **House**
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 have basic and extended cable subscription with Charter and I also have Series2 DT TiVo. I tend to watch my shows at a later time. I have a recurring problem with one single show; House on FOX. At the beginning of the show, the closed captions are perfect then later in the show it becomes garbled and continues that way till the end. My wife and I are forced to watch the show on hulu.com when its available on our 13" MacBook. This is frustrating.**