

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

November 13, 2015
In reply refer to case number: #190289-SM
(Momhautala) (KMSP)

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant 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).

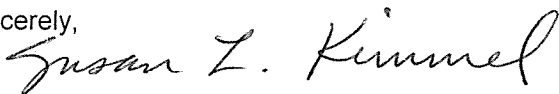
Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to ShaVonne.Morris@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call ShaVonne Morris at 202-418-8203 or write to ShaVonne.Morris@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau


#190829 close caption

| | | |
|--------------------------|---------------------|---------------------------------|
| Submitted | Received via | Requester |
| March 20, 2015, 12:43 PM | Web Form | Momhautala <momhautala@aol.com> |

| | | | | |
|---------------|-------------|-----------------|-----------------|-----------------|
| Status | Type | Priority | Group | Assignee |
| Open | - | - | DRO - Main Form | Shavonne Morris |

| | | | | |
|----------------------|-----------------------------|------------------------------------|---|-------------------|
| Company Name | Company Name (Other) | TV Method | TV Issues | First Name |
| Other | KMSP FOX 9 | Broadcast | Availability | stephanie |
| Last Name | State | Zip Code | Phone (where you can be contacted) | |
| hautala | Minnesota | 55303 | 763-560-0005 | |
| Address 1 | City | Filing on Behalf of Someone | Reasons for additional review | |
| 17035 rabbit st.n.w. | ramsey | No | DRO - Closed Caption complaint | |

Momhautala Mar 20, 12:43 PM

I am deaf and since beginning of the new season of The Following the close caption hasn't been on or it just flash off and on for a second.

Shavonne Morris Aug 10, 3:27 PM

Good afternoon:

Thank you for contacting the Federal Communications Commission regarding your caption problems. Who is your cable provider and what channel were you watching?

Shavonne Morris Sep 18, 4:57 PM

Good Afternoon:

Thank you for contacting the Federal Communications Commission regarding your caption problems. We recently reached out to you asking "Who is your cable provider and what channel were you watching?" If we do not hear from you by Tuesday, September 22, 2015 we will consider your case closed.

Thank you,
FCC/CGB/DRO

Momhautala Sep 19, 9:33 AM

I don't have cable just over the air digital antenna. I don't have any problems with any other channels. Just the following show on fox channel.

Sent from my iPad

Shavonne Morris Oct 16, 2:30 PM

Internal note

OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC) is serving your company with this informal complaint

that Stephanie Hautala filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide closed captioning on television. We are investigating 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 C.F.R. § 79.1.

This Notice of Informal Complaint (NOIC) directs your company, as the Broadcaster or Multichannel Video Programming Distributor (MVPD), to respond fully and directly to each and every material allegation raised in the informal complaint and summarize the actions taken by your company to satisfy the informal complaint and come into compliance with controlling law within thirty (30) days of the date of this Notice.

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 consumer, at the 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.

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