

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

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

April 30, 2013
(Gessler) (KVCR-TV, KOCE-TV, KLCS-TV)
In reply refer to case number: 13-C00464474 (SK)

Attached is a copy of an informal complaint that names your company and concerns the provision of video description on video programming. The complaint 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 79.3 of the Commission's rules, 47 C.F.R. § 79.3, we direct your company to respond to the complaint. **Your written response is due within thirty (30) days of the date of this Notice.**

Your company, as the video programming distributor or provider, should respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the complaint alleges a lack of video description on your company's programming and the programming at issue is reaching your company without video description, your company must check with the supplying broadcaster or network before responding to this Notice to determine whether the programming is or is not covered by the video description requirements. For example, your company may obtain and provide evidence that your company and the supplying broadcaster or network provided the requisite amount of video described programming, despite the lack of video description on the programming in question.

Companies that receive and respond to informal complaints electronically **must** submit their responses to the Commission via the FCC website using their DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, it must file a hard copy of its response with the Disability Rights Office of the Federal Communications Commission at 445 12th Street, SW, Washington, D.C. 20554. Only if it is required to file a hard copy, please also send a courtesy electronic copy of the response to Sherita.Kennedy@fcc.gov, which will expedite processing.

We further direct your company to send a copy of its response to the complainant at the time that it submits its response to the Commission. To ensure that its 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 the complaint until its final Commission disposition.

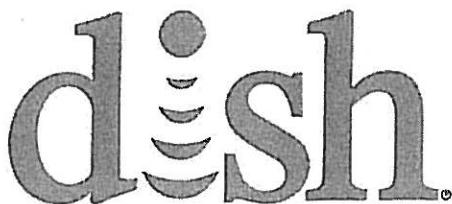
A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who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

If you have any questions regarding this Notice, please call Sherita Kennedy at 202-418-0287 or write to Sherita.Kennedy@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



DISH Network L.L.C.
1110 Vermont Ave. NW, Suite 750, Washington, DC 20005
202.293.0981

RECEIVED - FCC

March 15, 2013

MAR 15 2013

Susan L. Kimmel
Consumer Inquiries and Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20054

Federal Communications Commission
Bureau / Office

**Re: Notice of Informal Complaint (NOIC) – Disabilities Related FCC File
No. FCC Case No. 13-C00464474-1 (GESSLER) (DISH)**

Dear Ms. Kimmel,

DISH Network L.L.C. (“DISH”) responds to the Consumer and Governmental Affairs Bureau’s Disability Access Complaint dated January 22, 2013 with respect to the informal complaint filed by Ms. Deborah Gessler.

In the above referenced complaint, the customer (who resides in the Los Angeles Designated Market Area (DMA)) states that she is unable to access video description in certain instances, noting that “stations like PBS provide descriptive programming on many of their programs, but I can not access it although I do have a SAP [n] my TV.” DISH has confirmed that secondary audio programming (SAP) service is available for several local broadcast stations in the Los Angeles DMA, which will enable DISH customers to access video description on those channels when the programmer provides video description. To the best of DISH’s knowledge, however, none of the PBS stations that DISH carries in the Los Angeles DMA (KOCE, KVCR and KLCS) provide any services on SAP at this time. DISH contacted the customer and explained how to enable and disable video description through the SAP feature on her set-top-box receiver, and also advised the customer that video description is not available on every channel or program. DISH will continue to work with the customer to ensure she can access video description.

Video description is a priority for DISH, and we remain committed to ensuring that all subscribers receive the highest quality service. If the Commission requires further information, please do not hesitate to contact Alex Constantine at 202.293.0065.

Respectfully submitted,

Hadass Kogan
Associate Corporate Counsel
DISH Network L.L.C.

cc: Deborah Gessler

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

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

February 6, 2013
(Gessler) (Dish Network)

In reply refer to case number: 13-C00464474 (SK)

Attached is a copy of an informal complaint that names your company and concerns the provision of video description on video programming. The complaint 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 79.3 of the Commission's rules, 47 C.F.R. § 79.3, we direct your company to respond to the complaint. **Your written response is due within thirty (30) days of the date of this Notice.**

Your company, as the video programming distributor or provider, should respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the complaint alleges a lack of video description on your company's programming and the programming at issue is reaching your company without video description, your company must check with the supplying broadcaster or network before responding to this Notice to determine whether the programming is or is not covered by the video description requirements. For example, your company may obtain and provide evidence that your company and the supplying broadcaster or network provided the requisite amount of video described programming, despite the lack of video description on the programming in question.


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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 Sherita Kennedy at 202-418-0287 or write to Sherita.Kennedy@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

Form 2000C – Disability Access Complaint

Consumer's Information:

First Name: **Deborah** Last Name: **Gessler**

Company Name:

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

Post Office Box Number:

(Official Post Office box Number Only)

Address 1: **2728 North Hampton**

Address 2:

Mailing Address (where mail is delivered)

City: **Orange** State: **CA** Zip Code: **92867**

Telephone Number (Residential or Business): **Phone:(714) 637 - 9552**

E-mail Address: **dgessler@me.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.

- a. Your relationship with the party:
- b. The party's first name:
- c. The party's last name:
- d. The party's daytime phone number:
- e. The party's street address or post office box number:
- f. City: State: Zip Code:
- g. E-mail address:
- h. Fax Number:

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant: **Internet E-mail**

Form 2000C – Disability Access Complaint

*** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT ***

1. Check the appropriate box for your type of complaint:

- **Video Description (audio narrated descriptions of a TV program's key visual elements)**

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

Name: **Dish Network**

City: State: Zip Code:

Telephone number: **Phone:(800) 333 - 3474**

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):

and any details of when the event or action you are complaining about occurred:

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 (for example, "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):

b. Channel (for example, "13"):

c. Station or subscription TV provider system location:

City: County:

State:

d. Date(s) and time(s) of emergency:

e. Detailed description of the emergency (for example, flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about video description or closed captioning on television, provide the following:

a. Television station call sign and network name (if applicable), or channel name (for example, "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):

all

b. Channel (for example, "13"): **all**

c. Station or subscription TV provider system location:

City: **Orange** County: **orange**

State: **CA**

Form 2000C – Disability Access Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

-
- d. If you pay to receive television programming, type of subscription service (for example, cable, Satellite):
 - e. If you pay to receive television programming, name of the company to whom you subscribe:
 - f. Name of program(s) involved:
7. If your complaint is about closed captioning of television programs streamed or downloaded from the Internet, provide the following information:
- a. Information about the program viewed (for example, "Orange Blossoms, Season 3, Episode 6"):
 - b. Name, address, website, or e-mail address of the program distributor, provider, and/or owner (for example, "WZUF-CBC.com," "WZUE-TV.com," "SportingchannelWest.com," "TV&MoviesOnline"):
 - c. Information about the device or software used to view the program (for example, manufacturer, model, name of video player software or application):
 - d. Date (mm/dd/yyyy) and time the program was viewed.

8. 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 complainant 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 Dish as my cable provider and I am unable to access any the descriptive programs that is provided. I have called Dish several times asking how I go about doing that and the customer service person usually does not know what I am referring to. I explain this is a special audio programing for blind/visually impaired people. Stations like PBS provide descriptive programing on many of their programs, but I can not access it although I do have SAP on my TV. CSR then tell me that they do not have that service. I live in Orange County which is in the Los Angeles area.

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to fccinfo@fcc.gov, by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Complaints
445 12th Street, SW
Washington, D.C. 20554

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

Form 2000C – Disability Access Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve disability access. The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PER, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060 - 0874.

In addition, the information that consumers provide when filling out FCC Form 2000 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CGB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a company, the complaint is forwarded to the defendant who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office;

a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice is available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).