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May 30, 2013

VIA HAND DELIVERY

Ms. Susan L. Kimmel
Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
The Portals II
445 – 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Informal Complaint
Case Number: 13-C00464474(SK)
(Gessler) (KLCS-TV)

Dear Ms. Kimmel

The Los Angeles Unified School District (“LAUSD”), licensee of noncommercial television station KLCS-TV, Los Angeles, California, timely filed its response to an Informal Complaint pertaining to video descriptions on May 28, 2013. The LAUSD response asserted that although (1) it had the technical capability to “pass through” video descriptions, the SAP channel was used exclusively for Spanish language programming and (2) the SAP channel cannot be used to provide two services simultaneously. The LAUSD position is consistent with the “exception” set forth in Section 79.3(b)(3) of the Commission rules.

Separate and apart from the “exception,” LAUSD counsel considered (but did not include) a second argument pertaining to Section 79.3(b)(3) of the Commission rules, i.e., the fact that Section 79.3(b)(3) applies only to stations affiliated or associated with a network; that Station KLCS-TV is a member of the Public Broadcasting System (“PBS”); and that PBS either is exempt from the mandate of the rule or PBS is not deemed a network with respect to Section 79.3(b)(3). Subsequent to the May 28, 2013 filing and in your absence, counsel contacted John Herzog (an attorney-adviser in the Consumer and Governmental Affairs Bureau) and inquired as to whether the Federal Communications

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Commission identified PBS as a network. Mr. Herzog stated that at least with respect to Section 79.3(b)(3) of the rules, the Commission does not deem PBS a network and/or exempts PBS from the mandate of the rule. Consequently, the LAUSD response to the Informal Complaint should be supplemented to reflect the licensee's PBS membership; that PBS is not a network (at least with respect to Section 79.3(b)(3)) and/or is exempt from the mandate of the rule; and that station KLCS-TV is not subject to the mandate of Section 79.3(b)(3).

With respect to the April 30, 2013 Official Notice of Informal Complaint, I presume that the "Official Notice" would not have been sent to LAUSD if the Commission had prior knowledge of the licensee's PBS membership.

Respectfully submitted



Robert B. Jacobi, Esq.
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Counsel for the Los Angeles Unified
School District

cc: Ms. Deborah Gessler
Ms. Sherita Kennedy (FCC; via e-mail)
Mr. John Herzog (FCC; via e-mail)
Mr. Thomas Rosen (PBS; via e-mail)