



Via Electronic Mail and Consumercomplaints.fcc.gov

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

Re: Further Notice of Informal Complaint – File No. 714073
KTVX, Salt Lake City, Utah (Jonathan Roberts)

Dear Ms. Kennedy:

The FCC has provided Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of television broadcast stations KTVX, Salt Lake City and KUCW, Ogden, Utah with a Further Notice of Informal Complaint submitted by Jonathan Roberts. Mr. Roberts reported issues with viewing closed captioning on local news broadcast by ABC 4 in Salt Lake City (which is KTVX) on December 14, 2015. Mr. Roberts reported a lack of closed captioning on weather segments, “strange codes” within closed captioning, and that the closed captioning did not identify who was speaking at specific times. Mr. Roberts provided Youtube links to two videos reflecting the problems and identified Comcast as his MVPD distributor.

The FCC first inquired of Comcast, who verified that its equipment was functioning properly and who then audited the KTVX and KUCW programming feeds verifying it was receiving impaired captioning from KTVX. Comcast indicated that it contacted KTVX engineering personnel to alert them to the problem.

Dean Davidson, Chief Engineer for KTVX and KUCW who was contacted by Comcast, investigated the specified issues. Mr. Davidson inquired of the news department regarding the reported captioning issues, and further reminded the news department to confirm the station’s compliance with the best practices that Nexstar had initiated company-wide for compliance with enhanced ENT obligations. Upon receipt of answers from the news department, Mr. Davidson reported to Comcast that he had reviewed both clips provided and determined that they were both from the 5:00 p.m. newscast on December 14. Mr. Davidson stated that the closed captioning for the main weathercast did not populate into the ENT (teleprompter) system, a technical issue that had been fixed. Mr. Davidson further stated that with respect to the lack of speaker identification, that was a producer error at that particular time. Mr. Davidson noted that the station had reminded all producers and writers that speaker identification is a mandatory part of Nexstar’s policies for complying with its enhanced ENT obligations. However, it appears Mr. Davidson did not provide this information to Comcast prior to the submission of its response to the FCC and, therefore, such information was not incorporated into the Comcast response.

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Upon receipt of the FCC's Further Notice directed to Nexstar with regard to this complaint the undersigned began a prompt investigation. Upon inquiry, KTVX confirmed to the undersigned that, as required by the FCC's rules and Nexstar's policies implemented in connection therewith, it has appointed an ENT Coordinator, and that per Nexstar's policies the ENT Coordinator monitors five minutes each of two newscasts per day to ensure its captioning equipment is working correctly and that the captioning is accurate, complete, synchronized and properly placed.

The undersigned requested and received copies of the ENT Coordinator's logs for the period covering December 7, 2015 through December 21, 2015. The logs do not reflect any closed captioning issues between December 7 and December 13. However, the logs for December 14 through 18 reflect a few issues, including a failure to have the "first" weather segment closed captioned and periodic incomplete or missing closed captions. The captioning issues appear to be human failures – a weather producer failing to "save" the weather script into the teleprompter, a field reporter providing only "generic information" and a failure to properly switch on the captioning switches at the correct time.

In response to the issues identified above, Nexstar management has directed the station to conduct an immediate review of the Nexstar captioning policies and procedures (including the obligation for providing as much detail as possible in field reports) with all personnel to stress the importance of closed captioning, identified employees who need further remedial training (which is being provided), made technical revisions to the equipment so that the "captioning switch" is always on, and implemented the requirement that every newscast be monitored for the remainder of April with logs sent to be verified on a daily basis. The undersigned also has reached out to Mr. Roberts to request that he bring any captioning issues to the undersigned's attention so that the cause can be determined and immediate corrective action taken.

Please do not hesitate the undersigned with any further questions regarding Mr. Roberts's complaint.

Sincerely,



Elizabeth Ryder
Senior Vice President & General Counsel

cc: Susan Kimmel (Deputy Director)
Jonathan Roberts (kewlguy@gmail.com)
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