

WOWT NBC OMAHA

3501 Farnam St., Omaha, NE 68131 402.346.6666



March 5, 2021

Via Electronic Mail

Disability Rights Office  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554  
Attn: Sherita Kennedy ([Sherita.Kennedy@fcc.gov](mailto:Sherita.Kennedy@fcc.gov))

Re: FCC Official Notice of Informal Complaint Ticket No. 4547969

Dear Ms. Kennedy:

Gray Television Licensee, Inc. (licensee of WOWT(TV), Omaha, Nebraska (the "Station"), provides the following response to the Notice of Informational Complaint ("NOIC"). The NOIC indicates that an informal complaint was filed against WOWT indicating that Ms. Maley experienced captioning quality and placement issues while watching a February 8, 2021 Station newscast (the "Newscast").

We are fully committed to serving all of our viewers and take seriously our obligations under 47 C.F.R. §79.1 to provide closed captioning to members of the hearing-impaired community. Most news programming produced by the Station is captioned using the Electronic Newsroom Technique (ENT). ENT is a primarily script-based system whereby station personnel input the speaker's script as captions made visible to the viewer. In-studio news, sports, weather and entertainment segments are scripted. However, the FCC identifies certain news segments for which scripting is not feasible or impossible—for example, live breaking news or live interviews. The Newscast in question was captioned using ENT.

The Station launched an immediate investigation into the issues Ms. Maley reported upon its receipt of the NOIC. Station personnel confirmed that captions were present throughout the Newscast and scrolled at approximately the same speed as the words being spoken in the audio portion of the stream. These captions were found to be accurate, synchronized, complete and placed in accordance with FCC rules. Our investigation found that during certain weather segments, our meteorologist did not follow his script exactly, causing the spoken words and captions not to sync perfectly with one another. That being said, the same relevant weather information as was spoken—temperature, windchill and forecast—was made available through textual and other visible means.

While Station personnel determined that caption placement was compliant with FCC rules, the Station has sought to improve the readability of captions by relocating the caption bar and expanding it to contain more words at a time. In addition to the placement adjustment, the Station has taken several other steps to ensure similar captioning issues are not encountered in the future.

Specifically, weather personnel have implemented a new workflow to ensure the captions generated by their scripts track with the words spoken on-air. Additionally, all employees were reminded to immediately escalate any closed captioning concerns from viewers to department and station leadership. Finally, legal counsel for the Station conducted a captioning training roundtable for members of the Station weather team on Wednesday, February 24, 2021.

Serving the public is a critical mission for broadcasters. We greatly appreciate being informed by concerned viewers and we strive to ensure that the programming on the Station remains widely accessible. If Ms. Maley has future concerns regarding closed captioning, I ask that she reach out to me personally. I can be reached by phone at (402)233-7842 or by e-mail at [andrew.stewart@wowt.com](mailto:andrew.stewart@wowt.com).

Respectfully submitted,



Andrew Stewart  
Vice President & General Manager  
WOWT

cc: Ms. Deanna Maley, [REDACTED]



# #4547969 Channel 6 - Omaha - Closed Captions

**Submitted** February 10, 2021, 10:44 AM  
**Received via** Web Form  
**Requester** [REDACTED]

**CCs**  
 Sherita Kennedy <sherita.kennedy@fcc.gov>

**Status** Open    **Type** -    **Priority** -    **Group** DRO - Main Form    **Assignee** Sherita Kennedy

**Name of TV program** 6 On Your Side    **TV Method** Broadcast (over the air)

**Accessibility Issues**

Closed Captioning on TV (from a television station or subscription television provider, for example, cable, fiber optic or satellite)

First Name	Last Name	State	Zip Code	Time of Issue	Date of Issue	TV channel
Deanna	Maley	Nebraska	[REDACTED]	10:00 pm	Feb 8	6

**City Where Program was Viewed/Heard** Omaha    **City of Company Complaining About** Omaha

**State of Company Complaining About** Nebraska    **Preferred Method of Response** Email    **Network** NBC

**Name of Company Complaining About** Channel 6 - Omaha - WOWT - 6 On Your Side    **Zip Code of Company Complaining About** 68131    **Call Sign** WOWT

**State Where Program was Viewed/Heard** Nebraska    **Address 1** [REDACTED]    **City** [REDACTED]    **Filing on Behalf of Someone** No

**Maleydd** Feb 10, 10:44 AM

Poor quality, inaccurate, fast, and hard to read captions. The captions were mushed at the bottom of the screen and flew by so fast it was hard to keep up. And they were not saying exactly what was being said by the newscaster.

Support Software by Zendesk

**February 11, 2021 - OFFICIAL NOTICE OF INFORMAL COMPLAINT – FCC Complaint Ticket No. 4547969**

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that **Deanna Maley** filed with the Disability Rights Office (DRO). This Notice of Informal Complaint (Notice or NOIC) directs your company to follow the instructions below and respond fully and directly to each issue raised in the informal complaint. In your response, please explain how you have addressed the informal complaint. If you need to take steps to satisfy the informal complaint and come into compliance, please summarize your proposed actions and the timeframe for completion. Your response is due no later than thirty (30) days from the date of this Notice.

The informal complaint concerns obligations to provide closed captioning on television. As your company is either the broadcaster or multichannel video programming distributor (MVPD) we are inquiring into 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 CFR § 79.1. If the complaint concerns the quality of the closed captioning, we remind you that closed captions – no matter how they are produced, for example, by the use of the electronic newsroom technique (ENT), where permitted, by a captioning service, or by using automated speech recognition technology – are subject to the FCC's closed captioning quality standards related to accuracy, synchronicity, completeness, and placement. 47 CFR § 79.1(j). If known, please include in your response how the closed captions at issue were produced. To support a response that asserts that the captioning at issue complies with the closed captioning quality rules, please include with your response a recording, such as a DVD or electronic file, of the broadcasted material at issue as it appeared on the date and time in question.

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 complainant, at the same 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.



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 uses its best efforts to resolve this complaint in a timely manner. Cursory responses will be rejected. The Commission may make consumer complaint data publicly available in both aggregate and individual form 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 [DRO@fcc.gov](mailto:DRO@fcc.gov) or by calling 202-418-2517 (voice) or 844-432-2275 (videophone for ASL users). In your message, please include your name, your company's name, the ticket number, and your specific questions. Thank you.

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Disability Rights Office  
Federal Communications Commission