

May 27, 2022

Via Email: ShaVonne.Morris@fcc.gov

ShaVonne Morris
Federal Communications Commission
Disability Rights Office
45 L Street NE
Washington, D.C. 20554

Re: Response to Notice of Informal Complaint Ticket No. 5421351 (WTXL-TV)

Dear Ms. Morris:

Scripps Broadcasting Holdings LLC (“Scripps”), licensee of WTXL-TV, Tallahassee, Florida (the “Station”), hereby responds to the informal complaint of S.S. McDonald forwarded to the Station in the form of an “Official Notice of Informal Complaint” dated April 25, 2022 (the “NOIC”).¹ The NOIC concerns a complaint regarding the length of delay in the delivery of captioning during the Station’s Channel 27.1 ABC 27 News at 5 pm and the Station’s Channel 27-5 Court TV program stream, both in the 5 p.m. hour on April 11, 2022.

Scripps takes seriously its obligations under the FCC’s Rules to provide closed captioning and ensure accessibility of the Station’s programming. Immediately upon receipt of the correct NOIC, the Station’s Director of Engineering began an investigation into the issue. He initially checked the over-the-air 27.1 and 27.5 signals from the Station and confirmed that captioning on both was delayed approximately 7 seconds during live programming such as the programming at issue in the NOIC.

Due to the time required to caption live speech, live captioning is always necessarily delayed to some extent. In recognition of this fact, the Commission’s “synchronicity” standards for captioning do not impose any specific maximum delay, instead requiring that “captioning shall coincide with the corresponding spoken words and sounds to the greatest extent possible, given the type of programming.” 47 C.F.R. 79.1(j)(2)(ii). In its 2014 Order adopting that standard, the Commission recognized that captioning of live programming would understandably experience greater delay than recorded programming and referenced comments filed in the proceeding suggesting that delays of 4-5 seconds were preferred for live programming, although delays of up to 6-7 seconds were also acceptable. See *Closed Captioning of Video Programming*, Report and Order, 29 FCC Rcd 2221, 2252 (2014). While Scripps believes that the captioning included in the programming at issue in the NOIC at all times complied with the Commission’s rules, it endeavors to minimize any delays and believes that its captions are now experiencing delays of no more than the preferred 4 to 5 second range.

For captioning of the Station’s live local news programming broadcast on the primary channel 27.1, Scripps utilizes an automated voice-recognition system widely used in the US television industry. On May 4, the day after receiving the NOIC, Scripps reached out to the captioning system provider to check for any software issues with that system. The provider confirmed that it was unable to identify

¹The Station did not receive the NOIC until May 3, 2021. The NOIC had originally been directed to the ABC Network, which is not under common ownership or control with the Station. The Station was forwarded a copy of a complaint related to television station WUFT (which also is not under common ownership or control with the Station) on April 30, but did not receive a copy of the complaint regarding WTXL-TV until May 3.

ShaVonne Morris
Federal Communications Commission
Disability Rights Office
May 27, 2022
Page 2 of 2

any issues that would be delaying captions. Station personnel then removed the captioning equipment, reseated all cards, and rebooted the system, after which the Station confirmed a captioning delay of approximately 5 seconds at the system output prior to the signal being sent to the Station transmitter. Scripps continued over the following days to work with its captioning provider to troubleshoot the system to attempt to minimize any delay in captioning. As of May 9, Station personnel confirmed a delay of approximately 5 seconds during the Station's noon newscast when viewed using the Station's over-the-air signal as well as on satellite and terrestrial MVPDs and the Station's internal monitors. The Station's Director of Engineering reached out to the viewer who had initiated the complaint to provide details on the steps the Station had taken to attempt to reduce the delay in captioning and the results of that effort. The Station reached out to the viewer again by e-mail and voicemail on May 13, but has not received a response.

On its 27.5 multicast stream, the Station broadcasts programming from the Court TV network. Court TV is a new programming network that began operations on May 8, 2019. Pursuant to Section 79.1(d)(9) of the Commission's rules, the programming appearing on that Network is therefore exempt from the Commission's closed captioning requirements until May 8, 2023. In addition, the Station receives annual revenue of less than \$3 million related specifically to the multicast stream broadcasting the Court TV feed, and as such its broadcast of this programming is exempt pursuant to Section 79.1(d)(12) of the Commission's rules. Nonetheless, Court TV does normally include captioning in its programming, and Scripps is committed to passing through that captioning in the Station's broadcasts. The Station believes that at all times, it was passing through Court TV captioning without any material additional delay. Much of the programming on Court TV, including the programming at issue in the NOIC, consists of live coverage of courtroom proceedings, interviews, and breaking news. The Station understands that Court TV creates this captioning in real-time with captioning software widely used in the United States television industry. As with the Station's own live news programming, Scripps notes that live captioning such as that used in the Court TV service is always somewhat delayed, but that the Station's broadcasts at all times complied with all applicable Commission rules.

Scripps will continue to monitor this situation to ensure that captioning in the Station's live programming continues to satisfy the synchronicity standards set forth in the rules, and that it is passing through all captions in its Court TV programming without material additional delay. If Scripps becomes aware of any issues with the Station's closed captioning performance, it will promptly take remedial steps to ensure that those issues are addressed.

If you or your staff have any questions about this response, please contact me directly.

Respectfully submitted,



David M. Giles

cc: S.S. McDonald (by e-mail to: navy65@windstream.net)