

Carrier Name : Fox Television Station

<u>User Complaint Number</u>	<u>Last Name, First Name</u>	<u>City, State, Zip</u>	<u>Form Type</u>
13-C00539148	SUTCLIFFE, RONALD	ADELPHI, MD, 20783	2000C

Carrier Name: Fox Television Station

Serve Start Date: 12/19/2013

Serve Due Date: 01/18/2014

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

**OFFICIAL
NOTICE OF INFORMAL COMPLAINT**

**December 19, 2013
(SUTCLIFFE) (Fox Television Station)
FCC Case No. 13-C00539148-1**

Attached is a copy of an informal complaint naming your company that 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 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

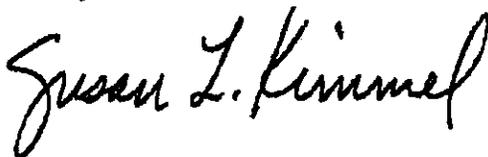
Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to Informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. Only if you are required to file a hard copy, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov which will expedite processing.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your 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 each complaint until final Commission disposition of the complaint at issue.

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 the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@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

CARRIER RESPONSE COVER PAGE

COMPLAINT # : 13-C00539148-1

CARRIER : Fox Television Station

CONSUMER NAME : SUTCLIFFE



Carrier Instructions: To better assist the FCC in ensuring that carrier responses are attached to the correct complaint, this cover page has been provided to you for responding to the complaint referenced above. Please ensure that this page precedes your response to this complaint. If you have any questions, please contact your FCC POC.

FCC Instructions: When scanning the carrier's response, select file type "Carrier Response" and upload file to the complaint # noted above.

Form 2000C – Disability Access Complaint

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

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

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

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

Name: **FOX 5 DC**

City: State: Zip Code:

Telephone number:

3. If your complaint is about hearing aid compatibility, provide the make and model number of the telephone:

4. If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy): **11/05/2013 10:25 PM**

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

So often the program lost its captions for 2 - 3 minutes. Worse thing is on the Governor candidate Cuccinelli presented his concede speech. I did not know what he was saying until later when I found out he did conceded. This should be fixed to keep the captions on open without blanking.

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"):

WTTG TV News

b. Channel (for example, "13"): **5**

c. Station or subscription TV provider system location:

City: **washington** County:

State: **DC**

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

e. Detailed description of the emergency (for example, flood, hurricane, tomado, 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"):

wttg TV news

b. Channel (for example, "13"): **5**

c. Station or subscription TV provider system location:

City: **washington** County:

State: **DC**

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-PERF, 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).

Form 2000C – Disability Access Complaint

Consumer's Information:

First Name: **Ronald** Last Name: **Sutcliffe**

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: **9213 Tuckahoe Lane**
Mailing Address (where mail is delivered)

Address 2:

City: **Adelphi** State: **MD** Zip Code: **20783**

Telephone Number (Residential or Business): **(301) 328 - 8838**

E-mail Address: **ronald.sutcliffe@gallaudet.edu**

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: **ronald.sutcliffe@gallaudet.edu, ASCII Text**



Fox Television Stations, Inc.
400 N. Capitol Street, NW
Suite 800
Washington, DC 20001
F 202 824 6522 C 703 618 2614
F 202 824 6510
jdiscipio@21c.com

Joseph M. Di Scipio
Vice President
Legal and FCC Compliance

January 6, 2014

RECEIVED - FCC

VIA HAND DELIVERY and EMAIL

JAN - 6 2014

Federal Communications Commission
Bureau / Office

Susan Kimmel
Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Informal Complaint (Sutcliffe)(Fox Television Station)
Case No.: 13-C005391148-1 (SK)

Dear Ms. Kimmel:

Fox Television Stations, Inc. ("FTS"), the licensee of WTTG, Washington, DC ("WTTG"), hereby responds to the Notice of Informal Complaint, as identified above, dated December 19, 2013 ("NOIC").

Mr. Sutcliffe, in his Disability Access Complaint, states that the captioning was lost during the coverage of Ken Cuccinelli's concession speech on November 5, 2013 at 10:25 p.m. Upon receipt of the NOIC, WTTG reviewed its aircheck from that night and discovered the captions were not present from 10:31 p.m. to 10:33 p.m. As happens from time to time with technology, particularly during live programming, the systems experience glitches. In this case, the captioning service lost the connection to the encoder at 10:31 p.m. The captioning service immediately rebooted and dialed back in to encoder and the captioning was reestablished at 10:33 p.m. In short, upon discovery of the glitch, the situation was corrected immediately and the captions were reestablished as promptly as possible.

Please contact the undersigned should you have any questions regarding this matter.

Sincerely,

Joseph M. Di Scipio

cc: Susan Kimmel (via email)
Ronald Sutcliffe (via mail)
WTTG Public File