



FOX TELEVISION STATIONS, INC.
A UNIT OF FOX ENTERTAINMENT GROUP

COPY

444 North Capitol Street NW, Suite 740
Washington, DC 20001
Phone 202 715 2350 • Fax 202 824 6510
Cell 202 679 8567

RECEIVED - FCC

MAR - 5 2009

Federal Communications Commission
Bureau / Office

Dianne Smith
Vice President
Legal and FCC Compliance
e-mail: dianne.smith@newscorp.com

March 5, 2009

Cheryl J. King, Deputy Chief
Disability Rights Office/CGB
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Complainant: Lise Hamlin
Complaint Number: 09-C00093689-1
Response of WTTG, FCC Facility ID No. 22207

Dear Deputy Chief King:

Fox Televisions Stations, Inc., licensee of WTTG-TV/DT, Washington, DC, responds to the above-referenced complaint of our viewer, Lise Hamlin, and apologizes that she was unable to view Seinfeld on February 12, 2009 due to a closed captioning issue. The problem was WTTG's.

On February 1, 2009, WTTG began conversion of the station's infrastructure from analog to high-definition ("HD"). This conversion included all new HD servers, new programming file transfer systems, and automation. During this process, WTTG's engineers discovered that one of the station's new systems that transfers shows in a file format (Harris Automated Ingest) from Pathfire to WTTG's new HD K2 servers was dropping captioning. Upon this discovery, WTTG stopped using the new system and transferred the shows using the station's former system. Unfortunately, the Seinfeld episode that Ms. Hamlin complained about was ingested into the new HD server without captions, and the problem was not caught until it aired.

Harris found the problem with the file transfer and corrected it. We appreciate Ms. Hamlin notifying us about the problem and thank her for watching WTTG.

Respectfully submitted,

Dianne Smith

cc. Lise Hamlin
1755 Regate Farms Court
Rockville, MD 20850



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

March 10, 2005

Ms. Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554
Attn: J. Simpson, Specialist, Suite 4C-763

Re: File No. 02-N83459

Dear Ms. Contee:

This is in response to your March 4, 2005 letter requesting a response to the complaint of Ms. Cheryl Heppner, Executive Director of the Northern Virginia Resource Center ("NVRC") for Deaf and Hard of Hearing Persons that the closed captions of WTTG's early morning local newscast covered information about school and other weather-related closings at about 6 am on February 25, 2005 and 5 am on February 28, 2005.

WTTG has been able to move the "crawls" (on-screen textual information) provided by the National Weather Service to the top of the picture screen, so both closed captions and the weather crawls can be viewed simultaneously. The weather crawls cover program material at the top of the screen, but this does not result in significant picture impairment.

In contrast, the station generates information about weather-related closings itself and exhibits it by "squeezing" the picture horizontally and inserting a crawl at the bottom of the picture screen. It is not technically possible to "squeeze back" the picture and insert textual information at the top of the screen. Information about closings always airs in the morning during WTTG's three-and-one-half hour morning news program, which is real-time closed-captioned. When WTTG needs to air textual information about closings, a station employee calls the station's closed captioning service and asks that the closed captions be moved to the top of the picture screen, because the station is not able to do this itself. Apparently, either station personnel neglected to call the closed captioning provider or the provider failed to move the closed captions on the two mornings in question.

After receiving your letter, the station conducted an internal investigation and consulted with its closed captioning provider; however, it has not been possible to determine at which end the system broke down. So far as WTTG is aware, these are the only two occasions on which this has happened, even though WTTG has aired crawls about school and other closings on a number of mornings this winter. WTTG News Management has reviewed the procedure described above with the appropriate staff members, as well as its captioning contractor, to ensure that similar situations do not occur in the future.

WTTG is committed to providing all of its viewers with as much information as possible about weather-related and other emergency situations facing our community. We recognize

Ms. Martha Contee
March 10, 2005
Page Two

and acknowledge that this awesome, and sometimes daunting, responsibility is central to the public interest obligation of a broadcast licensee. We appreciate the complainant's bringing occurrences of which she complains to your and our attention, so that WTTG can attempt to improve on past performance lapses. Finally, we hope that she and her organization's members will find in future that WTTG indeed serves her needs and the needs of the deaf and hard of hearing community for essential information about all emergency situations facing citizens of the greater Washington metropolitan area.

Respectfully submitted,



Molly Pauker

cc: Ms. Cheryl Heppner
10121 Glenmore Road
Fairfax, Virginia 22032

Northern Virginia Resource Center For Deaf and Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030

cheppner@nvrc.org

jenifer.simpson@fcc.gov

✓ WTTG Public File



Federal Communications Commission
Washington, D.C. 20554

March 4, 2005

WTTG-TV, Channel 5 (Fox)
5151 Wisconsin Avenue, N.W.,
Washington, DC 20016

Attention: Molly Pauker, Vice President, Corporate & Legal Affairs

Re: Notice of Informal Complaint (NOIC) -- Disabilities Related

FCC No. 05-N94272 Ms. Cheryl Heppner

Blocking of Emergency Information in Video Programming

Dear Ms. Pauker:

The Federal Communications Commission (FCC) has received a complaint about captioning from Ms. Cheryl Heppner of Fairfax, Virginia, who is the Executive Director of the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons. Her complaint involves lack of access to visual information during emergencies due to blocking. Specifically, she alleges:

Lack of Critical Details During Emergency Weather Situation

1. On Friday, February 25, 2005, beginning at about 6:00 a.m., emergency information about school closings was blocked by the closed captioning of regularly scheduled news cast.
2. On Monday, February 28, 2005, at about 5 a.m., information about school/government closings was blocked by closed captioning.

Ms. Heppner writes via Email that she attempted to complain directly to Channel 5 using Captel, a telecommunications relay service, but she was not sure if her message was taken up.

The enclosed complaint has been filed with the Commission pursuant to Section 305 of the Telecommunications Act, 47 U.S.C. §305, and Sections 79.1 and 79.2 et seq. of the Commission's Rules, 47 C.F.R. §79.1 et seq. Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the complaint should be sent to the complainant at the mailing address indicated below.

We are forwarding a copy of the complaint record so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in the complaint and summarize the actions taken by your company to satisfy the complaint. Your company's response to the complaint must be filed with the Commission in writing within **THIRTY days of the date of this Notice.**

The original of your response should be sent to the Consumer Inquiries & Complaints Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street S.W., Suite 4C-763, Washington, D.C. 20554. Due to heightened security measures undertaken at this agency, and in Washington, D.C., and likely consequent delays in mail handling, an electronic copy of your response to the FCC should be sent also via Email to Jenifer.Simpson@fcc.gov. Your company is further directed to send a copy of its response to the complainant at the same time the response is sent to the Commission.

Your company is directed to retain all records which may be relevant to the complaint until final Commission disposition of the complaint.

File Number

FCC No. 05-N94272

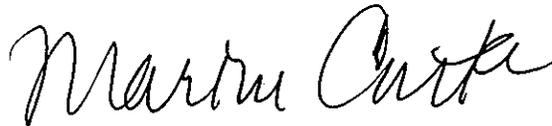
Complainant

Ms. Cheryl Heppner
10121 Glenmere Road
Fairfax, Virginia 22032

Northern Virginia Resource Center for Deaf and
Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030
Email cheppner@nvrc.org

A resolution for this complaint is expected.

Sincerely,



Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau

Attachment

COMPLAINT FOR CHERYL HEPPNER

Complaint Type: Broadcast

Account Type: Residential

Congressional Complaint

IC Number:	05-N94272	Case Type:	Complaint
Date Received:	02/25/2005	Complainant:	Cheryl Heppner
Date Entered:	02/28/2005	Date Assigned:	02/28/2005
Entered By:	Jenifer Simpson	Date Reassigned:	
Assigned To:	Jenifer Simpson/FCCIN	Service Date:	03/04/2005 12:00:00 AM
Date Closed:		Served By CGB - Jenifer Simpson	
Closed By:		Response Date:	04/03/2005
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Original Analyst:	
		Purged By:	Purged Date:
		Removed By:	Removed Date:

Current Status: Pending Carrier Reports

Associated Case:

Complaint Summary:

Via several email complaints, Ms. Cheryl Heppner, the Executive Director of the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (3951 Pender Drive, Suite 130; Fairfax, VA 22030; cheppner@nvrc.org; www.nvrc.org) asserts that WTTG and News Channel 8 provided emergency information that was blocked by the closed captioning of regularly scheduled programming, specifically as follows:; 1. On Friday, February 25, 2005, beginning at about 6:00 a.m., emergency information about school closings was blocked by the closed captioning of regularly scheduled news cast.; 2. On Monday, February 28, 2005, at about 5 a.m., information about school/government closings was blocked by closed captioning.

Apparent Carrier(s): WTTG-TV Ch 5 (Fox) Wash DC
 News Channel 8 (WJLA) Wash DC

Yes<<< Check here if you wish to serve both a Wireline and Wireless carrier.

Problem Number:			
Title: None	First Name: Cheryl	Middle Initial:	Last Name: Heppner
Contact Name:		Best Time to Call:	
Contact Number:	Ext.	Fax Number:	
TTY Number:		Internet Address:	
Email Address:	cheppner@nvrc.org	Address:	
PO Box:		10121 Glenmere Road	
City:	Fairfax	State: VA	Zip: 22032

On Behalf Of:	
Company Name:	
Party's Name:	Relationship with the Party:
Party's Contact Number: Ext.	PO Box:
	Address:
	City:State:Zip:
Other Party that can be contacted?	
Name:	Relationship:
Contact Number: Ext.	Address:
	City:, State: Zip:

-----Original Message-----

From: Cheryl Heppner [<mailto:cheppner@nvrc.org>]
Sent: Monday, February 28, 2005 4:59 PM
To: Jenifer Simpson
Subject: RE: Captioning problems this morning

Jenifer,

At approximately 5 am this morning, I watched both FOX 5 and NewsChannel 8 again for information about school/government closings and both were still blocking the that information with their closed captions.

I have not had a response to my email sent to Fred Ryan re NewsChannel 8 or to the phone message I left with FOX 5. I am not sure that either went through, though the e-mail was not returned with an error message. So please do proceed; they *must* do more to monitor and avoid these problems.

On a separate issue, last night I sat down to watch the Barbara Walters special prior to the Oscar coverage on Channel 7. There was a brief opening segment before a commercial where Walters made an introduction. No closed captions appeared. This time I happened to have my clipboard at hand with the numbers for TV stations, and my husband (who is hearing) had his cell phone nearby. I asked him to call the number for the General Manager for Channel 7 at approximately 7:05 pm. He got a voice menu system that gave operating hours, and also gave an emergency extension number. He called that number, got a live person, and explained that the closed captions were missing. The woman he talked to said she would get on it right away. Two minutes later, at 7:07 pm, the captions appeared shortly after the program began the coverage of Walters' first interview.

As you probably know, Channel 7 and News Channel 8 have the same General Manager, and the number he called was the one where, with last week's complaint, I simply couldn't navigate the voice menu between my hearing loss and the speed at which CapTel was able to provide captions on my phone.

Cheryl Heppner
10121 Glenmere Road
Fairfax, Virginia 22032

-----Original Message-----

From: Cheryl Heppner [mailto:cheppner@nvrc.org]
Sent: Friday, February 25, 2005 11:12 AM
To: Jenifer Simpson
Subject: Captioning problems this morning

Jenifer,

At approximately 6:00 am to 6:30 am, I was searching for information about school closings. I found that both FOX Channel 5 (WTTG) and News Channel 8 had that information on the bottom part of the screen, and it was being blocked by the closed captions for their news program.

A few minutes ago I made phone calls to both stations, using my CapTel phone.

10:34 am – Channel 8

I called the number for Chris Pike, the former GM. CapTel couldn't keep up with the voice message/menu. I thought I heard a live voice answer. I said I was calling about captioning. When I asked the person to whom I was speaking, she said "Carolyn". I asked for her last name and she wanted to know why. I told her that I had called the number Chris Pike gave me and that I knew there was a new General Manager. That I wanted to talk about a problem I'd encountered with captioning, and asked who would be the appropriate person. She said Fred Ryan, the new GM. I asked if she had an email address and she gave it to me. So far it looks like it went through.

10:40 am – Channel 5

I called the number of Duffy Dyer, not knowing if he is still GM. A "Brian" answered with a voice menu that had 9 choices. The voice menu, as with Channel 8, was too fast for CapTel to handle, but I did eventually pick out "press 4 for engineering". I pressed 4 and got another recording. I tried to leave a message but wasn't sure if I was able to start talking fast enough after the 'beep' – I didn't hear it, just saw it captioned, and of course the CapTel captions are delayed by at least a couple seconds.

It would be soooo helpful if there could be a requirement for the station contact information to be posted, and if it could NOT be an automated system.

Cheryl

Cheryl A. Heppner, Executive Director
Northern Virginia Resource Center for Deaf and Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030
cheppner@nvrc.org
www.nvrc.org

Empowering deaf and hard of hearing individuals and their families through education, advocacy and community involvement.

-----Original Message-----

From: Cheryl Heppner [<mailto:cheppner@nvrc.org>]
Sent: Monday, February 28, 2005 4:59 PM
To: Jenifer Simpson
Subject: RE: Captioning problems this morning

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As you probably know, Channel 7 and News Channel 8 have the same General Manager, and the number he called was the one where, with last week's complaint, I simply couldn't navigate the voice menu between my hearing loss and the speed at which CapTel was able to provide captions on my phone.

Cheryl Heppner
10121 Glenmere Road
Fairfax, Virginia 22032



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

March 10, 2005

Ms. Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554
Attn: J. Simpson, Specialist, Suite 4C-763

Re: File No. 02-N83459

Dear Ms. Contee:

This is in response to your March 4, 2005 letter requesting a response to the complaint of Ms. Cheryl Heppner, Executive Director of the Northern Virginia Resource Center ("NVRC") for Deaf and Hard of Hearing Persons that the closed captions of WTTG's early morning local newscast covered information about school and other weather-related closings at about 6 am on February 25, 2005 and 5 am on February 28, 2005.

WTTG has been able to move the "crawls" (on-screen textual information) provided by the National Weather Service to the top of the picture screen, so both closed captions and the weather crawls can be viewed simultaneously. The weather crawls cover program material at the top of the screen, but this does not result in significant picture impairment.

In contrast, the station generates information about weather-related closings itself and exhibits it by "squeezing" the picture horizontally and inserting a crawl at the bottom of the picture screen. It is not technically possible to "squeeze back" the picture and insert textual information at the top of the screen. Information about closings always airs in the morning during WTTG's three-and-one-half hour morning news program, which is real-time closed-captioned. When WTTG needs to air textual information about closings, a station employee calls the station's closed captioning service and asks that the closed captions be moved to the top of the picture screen, because the station is not able to do this itself. Apparently, either station personnel neglected to call the closed captioning provider or the provider failed to move the closed captions on the two mornings in question.

After receiving your letter, the station conducted an internal investigation and consulted with its closed captioning provider; however, it has not been possible to determine at which end the system broke down. So far as WTTG is aware, these are the only two occasions on which this has happened, even though WTTG has aired crawls about school and other closings on a number of mornings this winter. WTTG News Management has reviewed the procedure described above with the appropriate staff members, as well as its captioning contractor, to ensure that similar situations do not occur in the future.

WTTG is committed to providing all of its viewers with as much information as possible about weather-related and other emergency situations facing our community. We recognize

Ms. Martha Contee
March 10, 2005
Page Two

and acknowledge that this awesome, and sometimes daunting, responsibility is central to the public interest obligation of a broadcast licensee. We appreciate the complainant's bringing occurrences of which she complains to your and our attention, so that WTTG can attempt to improve on past performance lapses. Finally, we hope that she and her organization's members will find in future that WTTG indeed serves her needs and the needs of the deaf and hard of hearing community for essential information about all emergency situations facing citizens of the greater Washington metropolitan area.

Respectfully submitted,

Molly Pauker

cc: Ms. Cheryl Heppner
10121 Glenmore Road
Fairfax, Virginia 22032

Northern Virginia Resource Center For Deaf and Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030

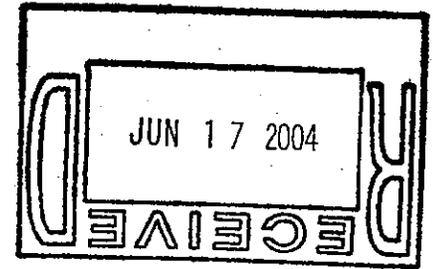
cheppner@nvrc.org

jenifer.simpson@fcc.gov

WTTG Public File ✓



Federal Communications Commission
Washington, D.C. 20554



June 7, 2004

WTTG-TV, Channel 5 (Fox)
5151 Wisconsin Avenue, N.W.,
Washington, DC 20016

Attention: Molly Pauker, Vice President, Corporate & Legal Affairs

Re: **Notice of Informal Complaint (NOIC) -- Disabilities Related**

FCC No. 04-N92524, Ms. Cheryl Heppner

- 1. Lack of Access to Emergency Information in Video Programming**
- 2. Lost Closed Captioning in Regularly Scheduled Programming**

Dear Ms. Pauker:

The Federal Communications Commission (FCC) has received complaints about captioning from Ms. Cheryl Heppner of Fairfax, Virginia, who is the Executive Director of the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons. Her complaint involves lack of access to visual information during emergencies and loss of closed captioning. Specifically, she alleges:

1. Lack of Critical Details During Emergency Weather Situation

On Tuesday, May 25, 2004, beginning at about 8:35 p.m..

Ms. Heppner writes: "8:35 Channel 5 (WTTG) cut into the screen during "American Idol" for news about the weather. From this visual (with no captions), it looks like the bad weather might be in Maryland. I was totally confused. ..."

2. Lost or Missing Closed Captioning For Regularly Scheduled Programming

On Tuesday, May 25, 2004, at about 8:56 p.m.

Ms. Heppner writes: "8:56 Fox Channel 5 was still running weather scrolls and the captions for the regular program are gone. At 8:57 they reappeared when the regular program returned."

The enclosed complaint has been filed with the Commission pursuant to Section 305 of the Telecommunications Act, 47 U.S.C. §305, and Sections 79.1 and 79.2 et seq. of the Commission's Rules, 47 C.F.R. §79.1 et seq. Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the complaint should be sent to the complainant at the mailing address indicated below.

We are forwarding a copy of the complaint record so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your

summarize the actions taken by your company to satisfy the complaint. Your company's response to the complaint must be filed with the Commission in writing within **THIRTY days of the date of this Notice.**

The original of your response should be sent to the Consumer Inquiries & Complaints Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street S.W., Suite CY-B523, Washington, D.C. 20554. Due to heightened security measures undertaken at this agency, and in Washington, D.C., and likely consequent delays in mail handling, an electronic copy of your response to the FCC should be sent also via Email to Jenifer.Simpson@fcc.gov. Your company is further directed to send a copy of its response to the complainant at the same time the response is sent to the Commission.

Your company is directed to retain all records which may be relevant to the complaint until final Commission disposition of the complaint.

File Number

FCC No. 04-N92524

Complainant

Ms. Cheryl Heppner
Northern Virginia Resource Center for Deaf and
Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030
Email cheppner@nvrc.org

Resolution of this complaint is expected.

Sincerely,



Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau

Attachment

COMPLAINT FOR CHERYL HEPPNER

Complaint Type: Broadcast

Account Type: Residential

Congressional Complaint

IC Number:	04-N92524	Case Type:	Complaint
Date Received:	06/01/2004 	Complainant:	Cheryl Heppner
Date Entered:	06/04/2004	Date Assigned:	06/04/2004
Entered By:	Jenifer Simpson	Date Reassigned:	
Assigned To:	Jenifer Simpson/FCCIN	Service Date:	
Date Closed:		Served By CGB - Jenifer Simpson	
Closed By:		Response Date:	07/07/2004
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Original Analyst:	
		Purged By:	Purged Date:
		Removed By:	Removed Date:

Current Status: Pending Carrier Service

Complaint Summary:

-----Original Message-----; From: Cheryl Heppner [mailto:cheppner@nvrc.org] ; Sent: Friday, May 28, 2004 12:52 PM; To: Jenifer Simpson; Cc: Colleen Heitkamp; kpsconsulting@starpower.net; Subject: Complaint 47 CFR 79.2; COMPLAINT: Inadequate or Missing Visual Information During Emergencies - 47 C.F.R. -79.2; DATE OF INCIDENT: Tuesday, May 25, 2004; STATION: Channel 5 - WTTG Washington, DC; I have Cox Cable; TIME/DESCRIPTION: ; 8:35 Channel 5 (WTTG) cut into the screen during "American Idol" for news about the weather. From this visual (with no captions), it looks like the bad weather might be in Maryland. I was totally confused. Channel 9 had a tornado warning that says Fairfax County. Channel 7's map visual looked like there is something happening in the Alexandria area. None of these programs had captions either. Now Channel 5 seemed to be emphasizing Maryland. ; 8:56 Fox Channel 5 was still running weather scrolls and the captions for the regular program are gone. At 8:57 they reappeared when the regular program returned. ; Cheryl A. Heppner, Executive Director; Northern Virginia Resource Center for Deaf and Hard of Hearing Persons; 3951 Pender Drive, Suite 130; Fairfax, VA 22030; cheppner@nvrc.org; www.nvrc.org; Empowering deaf and hard of hearing individuals and their families through education, advocacy and community involvement.

Apparent Carrier(s): WTTG- CH 5 , Washington DC
Cox Cable

Yes<<< Check here if you wish to serve both a Wireline and Wireless carrier.

Problem Number:			
Title: None	First Name: Cheryl	Middle Initial:	Last Name: Heppner
Contact Name:		Best Time to Call:	
Contact Number: Ext.		Fax Number:	
Email Address: cheppner@nvrc.org		Internet Address:	
PO Box:		Address:	3951 Pender Drie, Sutie 130
City: Fairfax		State: VA	Zip: 22030

On Behalf Of:	
Company Name: Northern Virignia Resource Ctr for Deaf and HOH Persons	
Party's Name:	Relationship with the Party:
Party's Contact Number: Ext.	PO Box:
	Address:
	City:State:Zip:
Other Party that can be contacted?	
Name:	Relationship:
Contact Number: Ext.	Address:
	City, State: Zip:

-----Original Message-----

From: Cheryl Heppner [mailto:cheppner@nvrc.org]
Sent: Friday, May 28, 2004 12:52 PM
To: Jenifer Simpson
Cc: Colleen Heitkamp; kpsconsulting@starpower.net
Subject: Complaint 47 CFR 79.2

COMPLAINT: Inadequate or Missing Visual Information During Emergencies - 47
C.F.R. -79.2

DATE OF INCIDENT: Tuesday, May 25, 2004

STATION: Channel 5 - WTTG Washington, DC

I have Cox Cable

TIME/DESCRIPTION:

8:35 Channel 5 (WTTG) cut into the screen during "American Idol" for news about the weather. From this visual (with no captions), it looks like the bad weather might be in Maryland. I was totally confused. Channel 9 had a tornado warning that says Fairfax County. Channel 7's map visual looked like there is something happening in the Alexandria area. None of these programs had captions either. Now Channel 5 seemed to be emphasizing Maryland.

8:56 Fox Channel 5 was still running weather scrolls and the captions for the regular program are gone. At 8:57 they reappeared when the regular program returned.

Cheryl A. Heppner, Executive Director
Northern Virginia Resource Center for Deaf and Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030
cheppner@nvrc.org
www.nvrc.org

Empowering deaf and hard of hearing individuals and their families through
education, advocacy and community involvement.



A UNIT OF FOX TELEVISION • A NEWS CORPORATION COMPANY

I N T E R O F F I C E M E M O

TO: Molly Pauker

cc: Duffy Dyer

FROM: Jeff Andrew 

DATE: June 23, 2004

SUBJECT: Captioning Complaint 5/25/04

Molly:

Here is the information you requested regarding the FCC Closed Captioning Complaint dated 6/7/04. I'm also sending you a DVD with the aircheck of the weather coverage for 5/25/04 the date in question.

1. The times of WTTG's May 25th weather coverage.

- Coverage began at 5:35pm –5:38 Tornado Warning. no cc, audio
- News 5:50-5:53 Tornado Warning (visual cities listed) no cc, audio
- News Weather Update – 5:57 (10 sec.) no cc, audio
- Weather Crawl 6:02 visual only
- Cut-In 6:05 –6:07 (visual cities listed) no cc, audio
- Cut-In Weather Alert 6:20-6:23 Tornado Warning (visual cities listed) no cc, audio
- Weather Crawl 6:43-6:45 visual only
- Cut-In Weather Alert 6:45-6:46 Tornado Warning no cc, audio
- Weather Crawl Visual 6:54 (top of screen) Tornado Warning visual only
- Weather Crawl - 6:57 visual only
- Weather Crawl - 7:00 visual only
- Weather Crawl - 7:03 visual only
- Weather Crawl - 7:10 visual only
- Weather Crawl - 7:16 visual only
- Weather Crawl - 7:23 visual only
- Weather Crawl - 7:27 visual only
- Weather Crawl - 7:34 visual only
- Weather Crawl - 7:35 visual only
- Weather Crawl - 7:38 visual only

- Weather Crawl - 7:42 visual only
- Weather Crawl - 7:49 visual only
- Weather Crawl - 8:05 visual only
- Weather Crawl – 8:18 visual only
- Weather Crawl – 8:23 visual only
- Cut-In 8:36 Tornado Warning (visual cities listed) no cc, audio
- Cut-In 8:41 – 8:42 Tornado Warning (visual cities listed) no cc, audio
- Weather Crawl – 8:48 visual only
- Cut-In 8:51 (15 sec) Tornado Warning no cc, audio
- Weather Crawl - 8:55 visual only
- Weather Crawls – 9:01 - 9:11 visual only
- Cut-In 9:14 – 9:15 Tornado and Severe Thunder Storm Warning no cc, audio
- Weather Crawls – 9:36 – 9:43 visual only
- Cut-In 9:46 Severe T-Storm Warning no cc, audio
- 10 PM News (captioned weather information)
-

2. see #1

3. Provided on VHS.

4. You will handle.

5. The number of Complaints, you will handle.

6. What are WTTG's procedures for identifying emergency information and for ensuring that information was presented visually prior to and during its May 25th weather coverage? **Prior to and including May 25th, efforts were made to communicate verbally in Daily Operations Meetings that once an emergency situation was identified by news managers or the station weather department staff that was determined to be life threatening, the assignment desk or any manager was required to call Caption Colorado to instruct that either the entire Newscast or New cut-in(s) was to be captioned (if it wasn't already a regularly captioned telecast).**

Does WTTG have an emergency staffing plan to ensure that it's not operating with a skeleton crew during emergency situations? **Yes, WTTG does have an emergency staffing plan for emergency situations. We usually have the staffing to handle these emergencies and if not, staff is paged to come in immediately to help handle these types of emergencies.**

7. Does WTTG use it's own employees or an outside contractor for visual presentation of emergency information? **In house for weather crawls and outside, Caption Colorado for closed captioning.**

Provide copies of current contracts. **Captions Colorado attached.**

8. License Renewal information, you will handle.

I N T E R O F F I C E M E M O

**FOX TELEVISION STATIONS, INC.**

A Unit of Fox Entertainment Group

URGENT

TO: Jeff Andrew
FROM: Molly Pauker
CC: Duffy Dyer
DATE: June 9, 2004
SUBJECT: Captioning Complaint

The FCC has written seeking WTTG's response to the allegation that WTTG didn't provide accessible emergency information to the hearing impaired regarding a thunderstorm/tornado watch during live weather cut ins on May 25, 2004. I believe we saw some e mail traffic about this shortly thereafter.

I need to provide the following information to the FCC by **June 28, 2004**, along with affidavits from individuals having personal knowledge of the information:

1. The time(s) of WTTG's ²⁰⁰⁴ May 25 weather coverage;
2. Whether such coverage provided visual presentation of audio information, and,
 - If not, why not, and
 - Whether the visual presentation of audio information blocked any closed captioning;
3. A **CD-ROM** of WTTG's May 25 weather coverage, identifying where on the tape video presentation of audio emergency information occurs and where audio emergency information is not accompanied by video (I guess this means time code and a narrative, which I can draft);
4. Explain how WTTG's understanding of the term "emergency information is consistent with the FCC's definition—I can handle this one.
5. The number of complaints WTTG received regarding its May 25 weather coverage and the number of complaints WTTG has received regarding failure to caption aural emergency information since January 1, 2003—I should be able to handle the FCC inquiries WTTG has received, but I don't know about any other viewer complaints. What are WTTG's procedures for handling such complaints?
6. What are WTTG's procedures for identifying emergency information and for ensuring that emergency information was presented visually prior to and during its May 25 weather coverage. Does WTTG have an emergency staffing plan to ensure that it's not operating with a skeleton crew during emergency situations?

7. Does WTTG use its own employees or an outside contractor for visual presentation of emergency information? Provide copies of current contracts—I know WTTG uses an outside contractor, but I don't have copies of the contracts.
8. Information about the status of WTTG's license renewal—I have this.

As luck would have it, I'll be out from tomorrow, June 10, through June 16. I'm going to try to get an extension of time in which to reply, but there should be enough time, anyway, if I can't get an extension.

Thank you very much for your attention to this matter.

Attachment



Federal Communications Commission
Washington, D.C. 20554

June 7, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fox Television Stations, Inc.
5151 Wisconsin Ave., N.W.
Washington, D.C. 20015

Re: EB-04-TC-104 (Investigation of the Provision of Local Emergency Information in Accessible Formats)

Dear Licensee:

The Enforcement Bureau ("Bureau") has information suggesting that WTTG-TV ("WTTG") may have failed to make emergency information visually accessible in violation of Section 713 of the Communications Act of 1934, as amended (the "Act"), and Section 79.2 of the Commission's rules.¹ In particular, we have received information alleging that several consumers with hearing loss were unable to learn critical details about the thunderstorm/tornado watch in the Washington, D.C. area on May 25, 2004, because WTTG failed to caption or provide other visual information during their real-time emergency reports. A television station's failure to make programming visually accessible to persons who are deaf and hard-of-hearing may be a violation of Section 79.2 of the Commission's rules, 47 C.F.R. § 79.2.

To assist the Bureau in determining whether enforcement or other action is appropriate in this instance, we direct WTTG, pursuant to sections 4(i), 4(j), 218, and 403 of the Act, 47 U.S.C. §§ 154(i), 154(j), 218, 403, to provide the information and Documents specified herein, within 21 calendar days from the date of this letter.

Instructions

If WTTG requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and Documents, as defined herein, a statement in accordance with Section 0.459 of the Commission's rules, 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of Section 0.459, including the standards of specificity mandated by Section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents

¹ 47 U.S.C. § 713; 47 C.F.R. § 79.2. Section 79.2 of the rules provides, in relevant part, that video programming distributors must make emergency information that is provided in the audio portion of the programming accessible to persons with hearing disabilities, either through closed captioning or by using a method of visual presentation. Methods of visual presentation include, but are not limited to, open captioning, crawls, or scrolls that appear on the screen. See *Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996, Accessibility of Emergency Programming*, MM Docket No. 95-176, Second Report and Order, 15 FCC Rcd 6615, 6618 (2000) ("Closed Captioning Order").

are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

If WTTG withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item, the numbered inquiry to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document not subject to a claim of privilege shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

If a Document responsive to any inquiry made herein existed but is no longer available, or if WTTG is unable for any reason to produce a Document responsive to any inquiry, identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why WTTG is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, WTTG is directed to retain the originals of those Documents for twenty-four (24) months from the date of this letter unless (1) WTTG is directed or informed by the Enforcement Bureau in writing to retain such Documents for some shorter or longer period of time or (2) the Enforcement Bureau and/or the Commission releases any item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, WTTG must retain all such Documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

The specific inquiries made herein are continuing in nature. WTTG is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, WTTG must supplement its responses (a) if WTTG learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to WTTG after the initial production. The requirement to update the record will continue for twenty-four (24) months from the date of this letter unless (1) WTTG is directed or informed by the Enforcement Bureau in writing that WTTG's obligation to update the record will continue for some shorter or longer period of time or (2) the Enforcement Bureau and/or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for

Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

For each Document or statement submitted in response to the inquiries below, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the Document was retrieved. If any Document is not dated, state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). WTTG must identify with reasonable specificity all Documents provided in response to these inquiries.

Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form).

"WTTG" shall include any predecessor-in-interest, successor-in-interest, affiliate, parent company, any wholly or partially owned subsidiary, or other affiliated company(s) or business(es), and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

Inquiries: Documents and Information to be Provided

1. State the time(s) of WTTG's coverage of the May 25, 2004 thunderstorm/tornado watch.
2. State whether all of WTTG's coverage of the thunderstorm/tornado watch (described in response to Question 1 above) provided visual presentation of information provided aurally.
 - a) If no, state the time(s) of coverage during which WTTG did not provide such visual presentation. Explain in detail why WTTG did not present this information in a visual format (*i.e.*, do not simply state that visual presentation was not required without explaining how WTTG arrived at that conclusion); and
 - b) State whether any such visual presentation blocked any closed captioning or whether any closed captioning blocked any such visual presentation.
3. Provide videotape of all programming covering the thunderstorm/tornado watch as broadcast on May 25, 2004, including, but not limited to, programming during which WTTG did not provide visual presentation of information provided in the audio portion. If WTTG did not include visual presentation of information provided aurally on such videotapes, identify where this programming is located on those videotapes. Also identify the location of any blocked information, if WTTG responded "yes" to Question 2(b) above.
4. Explain how WTTG's understanding of the term "emergency information" is consistent with the definition of emergency information set forth in the Commission's *Closed Captioning Order*.
5. Explain in detail and submit all relevant documents regarding WTTG's procedures for handling consumer complaints related to the station's compliance with Section 79.2 of the Commission's Rules. State the number of such complaints WTTG has received (from any source) in reference to the May 25, 2004 thunderstorm/tornado watch. State the number of complaints concerning compliance with Section 79.2 of the Commission's Rules received by WTTG since January 1, 2003, categorized by event (*e.g.*, the number of complaints received regarding WTTG's coverage of Hurricane Isabel).
6. Describe in detail WTTG's procedures for 1) identifying emergency information, as defined in 47 C.F.R. § 79.2(a)(2), and 2) ensuring such information was presented visually prior to and during the May 25, 2004 thunderstorm/tornado watch. Indicate whether WTTG has developed an emergency staffing plan to ensure that the station is not operating with a "skeleton crew" during emergency situations.
7. State whether WTTG uses its own employees or a contractor(s) to provide visual presentation of emergency information. If WTTG uses a contractor(s), provide the currently-effective contract(s).

8. State when WTTG's current broadcast license was renewed and the duration of WTTG's current license term. Provide supporting documentation.

We direct WTTG to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WTTG with personal knowledge of the representations provided in WTTG's response, verifying the truth and accuracy of the information therein and that all of the Documents and information requested by this letter which are in WTTG's possession, custody, control or knowledge have been produced. If multiple WTTG employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of WTTG noted above, provide separate affidavits or declarations of each such individual that identify clearly to which responses the affiant or declarant is attesting. All such declarations provided should comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein. To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

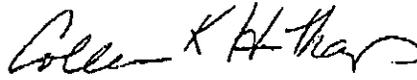
Submit your response on or before June 28, 2004 by hand-delivery to the following address:

Peter G. Wolfe
Senior Attorney, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A262
Washington, D.C. 20554

This delivery should include two (2) hardcopies of your entire response and one (1) electronic response on one or more CD-ROMs. All electronic files should be in either Microsoft Word or Microsoft Excel format. In addition, email your entire response by the due date to the following addresses: Peter.Wolfe@fcc.gov, Mark Stone @fcc.gov.

Direct any questions regarding this investigation to Mr. Wolfe at 202-418-2191.

Sincerely,



Colleen K. Heitkamp
Chief, Telecommunications Consumers Division
Enforcement Bureau

cc: Mark Stone
Deputy Chief, Telecommunications Consumers Division



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

July 2, 2004

Ms. Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW, Suite CY-B 523
Washington, DC 20554

Re: File No. 04-N92620

Dear Ms. Contee:

This is in response to your June 29, 2004 letter requesting a response to the complaint of Mr. Louis J. Schwarz that WTTG did not provide captioned tornado warnings between 8:10 and 9:30 pm on Tuesday, May 25, 2004.

On May 25, 2004, WTTG's special weather coverage began at approximately 5:35 pm and continued through its Ten O'Clock News program, which is real-time closed captioned, on May 25, 2004. WTTG aired over twenty video-only weather alert crawls and about ten cut-ins during the evening. WTTG attempted several times to reach its outside closed captioning contractor so that the audio portion of the live cut-ins would be closed captioned, but was unsuccessful each time. WTTG's General Manager complained to the contractor after the fact and received a responsive letter, which is attached hereto as Exhibit 1 (the price term quoted is redacted, to protect proprietary information).

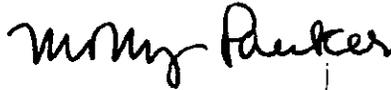
During the specific period of time referenced by the complainant WTTG scrolled at least six video-only weather-related crawls across the top of the picture screen (so that these warnings would not interfere with closed captions for its regular programming, which appear at the bottom of the screen). WTTG also broadcast three live weather-related news bulletins, or "cut-ins," interrupting its regular programming, during that period. These cut-ins consisted of a meteorologist on camera introducing Doppler weather radar maps tracing the path of the severe thunderstorm in progress on that evening. The heading on screen above the maps was "Storm." Not only were affected communities depicted on the maps, a list of affected communities and anticipated storm touchdown times was displayed in video to the left of the maps.

Nevertheless, even without closed captions of the meteorologists' statements, WTTG believed that the cut-ins contained sufficient graphic, visual information so as to render the critical details of the weather emergency accessible to all viewers. As stated above, each live weather bulletin consisted of an on-camera meteorologist introducing on-camera Doppler weather radar maps that graphically depicted the progress of the on going storm. The heading at the top of the picture screen above the maps was "Tornado Warning" or "Storm. This heading remained on screen for the duration of the weather bulletin. Not only did the maps illustrate the direction of the storm and pinpoint affected communities, a separate list identifying affected neighborhoods appeared on screen next to the maps. This list included the exact times

at which the weather system was expected to touch down in each neighborhood. WTTG News management deemed that these detailed on-screen maps and other graphic information adequately communicated the accompanying audio report of the meteorologist.

In conclusion, in WTTG's judgment, its storm coverage, both via cut-ins and weather crawls, in fact provided accessible critical details of the weather emergency on May 25, 2004. A list of WTTG's weather alerts is attached hereto as Exhibit 2.¹ Additionally, as Exhibit 1 indicates, WTTG expects shortly to receive software from its captioning vendor that will facilitate WTTG's ordering of real-time captioning services in emergency situations.

Respectfully submitted,



Molly Pauker

Attachments

cc: Mr. Louis J. Schwarz
4405 East West Highway, Suite 502
Bethesda, MD 20814

Ms. Jennifer Simpson

WTTG Public File

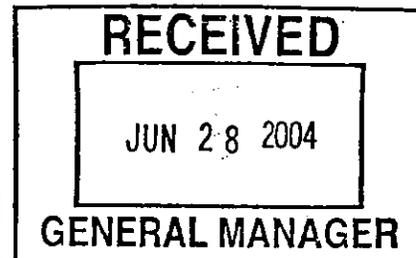
¹ WTTG submitted a videotape of the evening's weather coverage with its response to the Commission's Letter of Inquiry in File No. EB-04-TC-104 to illustrate this contention.

CAPTION

Colorado

Leader in Realtime Captioning, Transcription & Translation.

Mr. Duffy Dyer
 General Manager
 WTTG-TV
 5151 Wisconsin Avenue NW
 Washington, DC 80016



Dear Duffy,

As promised we have been reviewing our captioning performance for WTTG as it relates to emergency captioning requests. In reviewing the time, date requests shared by Jeff we definitely did struggle in trying to provide WTTG with emergency captioning. In both cases we experienced a large demand for emergency captioning, (created by widespread storms encompassing several markets-plus other breaking news events). We deploy our emergency captioning to stations on a first come, first served basis. Therefore, sometimes when a large demand for emergency captioning coincides with peak captioning periods, we cannot respond as quickly as we would like too. A fact that we would be more than happy to confirm for WTTG with the Federal Communications Commission in support of the station's efforts to get critical information to Washington's deaf and hard of hearing communities. Still, *we apologize* for letting WTTG down.

I assure you that as far as the future is concerned we will make every effort to meet WTTG's needs: We are presently reviewing our scheduling efforts in light of the volume of emergency requests we received this past spring, early summer. Although Caption Colorado has more full-time/part-time captioners than any other captioning company in the United States we are vehemently pursuing several avenues to bring more on-board, in addition to our scheduling evaluations

We ask that our valued clients continue to give us as much lead-time as possible in requesting emergency service. We also urge our stations to utilize our stand-by captioner coverage, (when anticipating emergency coverage during a specific time period-such as storm warning periods). The rate for such coverage on WTTG is \$██████ per hour. I've also urged our Tech Department to get our Bison software installed at WTTG ASAP. This

CAPTION

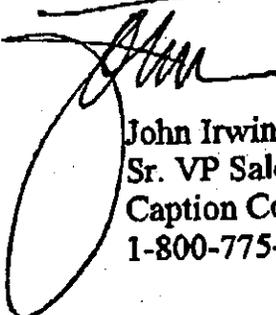
Colorado

Cont.,

software will not only save you money,(we pass along our phone bill savings)but also has an emergency contact feature that will improve response time. In addition, it allows the station to communicate with the captioner when extended coverage is desired.

If I can answer any other questions,or help in any way please let me know. Again, I apologize for not meeting WTTG's expectations. We will strive to be better.

Sincerely,



John Irwin
Sr. VP Sales/Marketing
Caption Colorado
1-800-775-7838

RECEIVED
JUN 28 2004
GENERAL MANAGER

Exhibit 2

WTTG's May 25, 2004 Weather-related Coverage

- 5:35 – 5:38 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Meteorologist and Doppler radar weather maps, headed "Tornado Warning" and "Storm," tracking storm, lists of potentially-affected communities and neighborhoods with anticipated storm touchdown times.
- 5:50 – 5:53 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Watch" and "Storm" indicating weather pattern and direction, affected communities listed with anticipated storm touchdown times; video tips for tornado safety.
- 5:57:00 – 5:57:10 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps, headed "Tornado Warning" and "Storm," tracking storm, lists of potentially-affected communities and neighborhoods with anticipated storm touchdown times.
- 6:02 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 6:05 6:07 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 6:20 – 6:23 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" tracking storm pattern; lists of potentially-affected communities and neighborhoods and anticipated storm touchdown times listed visually.
- 6:43 – 6:45 pm Weather crawl at top of picture screen during regular programming video-only.
- 6:45 – 6:46 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 6:54 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 6:57 pm Weather crawl at top of picture screen during regular programming: Video-only.

- 7:00 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:03 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:10 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:16 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:23 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:27 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:34 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:35 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:38 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:42 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:49 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:05 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:18 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:23 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:36 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 8:41- 8:42 pm- Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.

- 8:48 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:51:00 – 8:52:06 pm Weather crawl at top of picture screen during regular programming video-only.
- 8:55 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 9:01 – 9:11 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 9:14 – 9:15 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 9:36 – 9:43 pm Weather crawl at top of picture screen during regular programming video-only.
- 9:46 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 10 pm Ten O'Clock News – real-time closed-captioned information recapping the evening's weather.



Federal Communications Commission
Washington, D.C. 20554

June 29, 2004

WTTG-TV, Channel 5 (Fox)
5151 Wisconsin Avenue, N.W.,
Washington, DC 20016

Attention: Molly Pauker, Vice President, Corporate & Legal Affairs

**Re: Notice of Informal Complaint (NOIC) -- Disabilities Related
FCC No. 04-N92620, Mr. Louis J. Schwarz**

Lack of Access to Emergency Information in Video Programming

Dear Ms. Pauker:

The Federal Communications Commission (FCC) has received a complaint about captioning from Mr. Louis Schwarz of Rockville, Maryland. His complaint involves lack of access to information during emergencies. Specifically, he alleges:

Lack of Critical Details During Emergency Weather Situation

On Tuesday, May 25, 2004, from approximately 8:10 p.m. to 9:30 p.m., there were no captions for tornado warning weather situation.

Mr. Schwarz writes: "My family and I were deeply disturbed for lack of captioned warnings for the whole time and we had to switch many times from channel to channel to see if any caption appears."

The enclosed complaint has been filed with the Commission pursuant to Section 305 of the Telecommunications Act, 47 U.S.C. §305, and Section 79.2 et seq. of the Commission's Rules, 47 C.F.R. § 79.2 et seq. Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the complaint should be sent to the complainant at the mailing address indicated below.

We are forwarding a copy of the complaint record so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in the complaint and summarize the actions taken by your company to satisfy the complaint. Your company's response to the complaint must be filed with the Commission in writing within **THIRTY days of the date of this Notice.**

The original of your response should be sent to the Consumer Inquiries & Complaints Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street S.W., Suite CY-B523, Washington, D.C. 20554. Due to heightened security measures undertaken at this agency, and in Washington, D.C., and likely consequent delays in mail handling, an electronic copy of your response to the FCC should be sent also via Email to

Jenifer.Simpson@fcc.gov. Your company is further directed to send a copy of its response to the complainant at the same time the response is sent to the Commission.

Your company is directed to retain all records which may be relevant to the complaint until final Commission disposition of the complaint.

File Number

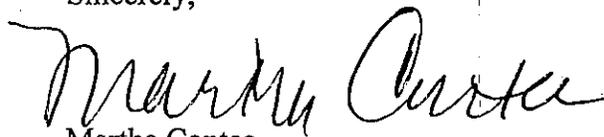
FCC No. 04-N92620

Complainant

Mr. Louis J. Schwarz
4405 East-West Highway, Suite 502
Bethesda, MD 20814
TTY 866-889-8647
Email Louis@schwarz-financial.com

Resolution of this complaint is expected.

Sincerely,



Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau

Attachment

COMPLAINT FOR LOUIS J. SCHWARZ

Complaint Type: Broadcast

Account Type: Residential

 Congressional Complaint

IC Number:	04-N92620	Case Type:	Complaint
Date Received:	06/01/2004	Complainant:	Louis J. Schwarz
Date Entered:	06/18/2004	Date Assigned:	06/18/2004
Entered By:	Jenifer Simpson	Date Reassigned:	
Assigned To:	Jenifer Simpson/FCCIN	Service Date: Served By CGB - Jenifer Simpson	
Date Closed:		Response Date:	07/26/2004
Closed By:		Original Analyst:	
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Purged By:	Purged Date:
		Removed By:	Removed Date:

Current Status: Pending Carrier Service
Complaint Summary:

-----Original Message-----; From: Louis J Schwarz [mailto:louis@schwarz-financial.com] ; Sent: Wednesday, May 26, 2004 10:24 AM; To: FCCINFO; Cc: Kelby Brick; Subject: Uncaptioned Torando warning; Importance: High; Channel 4 - WRC (NBC) ; Channel 5 - WTTG (FOX) ; Channel 7 - WJLA (ABC) ; Channel 9 - WUSA (CBS) ; Tuesday, May 25, 2005 from approx. 8:10 pm to 9:30 pm ; Torando/Severe Storm Warnings - no captions for the whole time, except Channel 9 started around 9:00 pm. ; My family and I were deeply disturbed for lack of captioned warnings for the whole time and we had to switch many times from channel to channel to see if any caption appears. We demand that those stations pay huge fines unless they guarantee the equal access for deaf viewers to see emergency captions and also be assured that those emergency captions shall not interfere the captions by regular shows if any show is continuing in the reduced screen box. ; Contact Info: ; Louis J. Schwarz ; 53 Orchard Way North ; Rockville, MD 20854-6127 ; TTY 866-889-8647 User: Louis ; Email: louis@schwarz-financial.com ; -- ; \$; Louis J. Schwarz, *CFP(r), RFC ; Schwarz Financial Services LLC ; 4405 East-West Highway, Suite 502 ; Bethesda, MD 20814-4536 ; Email: louis@schwarz-financial.com ; TTY: 866-889-8647 User ID: Louis ; Voice Relay: 877-477-3529 User ID: Louis ; Video Phone: 301-718-0604 ; Fax: 301-718-0604 ;
 ----- ; - please visit our website: <http://www.schwarz-financial.com> - ;
 ----- ; *Securities offered through Royal Alliance Associates, Inc. ;
 Member NASD/SIPC ; Investment Advisory Services offered through ; Schwarz Financial Services LLC, a registered investment adviser ; not affiliated with Royal Alliance Associates, Inc. ;
 ----- ;

Apparent Carrier(s):	WRC-TV Ch 4 (NBC) Washington, DC WTTG-TV Ch 5 (FOX) Washington DC WJLA-TV Ch 7 (ABC) Washington, DC WUSA-TV Ch 9 (CBS) Washington, DC
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Yes<<< Check here if you wish to serve both a Wireline and Wireless carrier.

Problem Number:			
Title: None	First Name: Louis J.	Middle Initial:	Last Name: Schwarz
Contact Name:		Best Time to Call:	
Contact Number:	(866) 889-8647 Ext.	Fax Number:	
Email Address:	louis@schwarz-financial.com	Internet Address:	
PO Box:		Address:	53 Orchard Way North
City:	Rockville	State: MD	Zip: 20814

On Behalf Of:	
Company Name:	
Party's Name:	Relationship with the Party:



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker
Vice President, Corporate & Legal Affairs
phone: 202 895 3088
fax: 202 895 3222
e mail: mollyp@foxtv.com

July 2, 2004

Ms. Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW, Suite CY-B 523
Washington, DC 20554

Re: File No. 04-N92620

Dear Ms. Contee:

This is in response to your June 29, 2004 letter requesting a response to the complaint of Mr. Louis J. Schwarz that WTTG did not provide captioned tornado warnings between 8:10 and 9:30 pm on Tuesday, May 25, 2004.

On May 25, 2004, WTTG's special weather coverage began at approximately 5:35 pm and continued through its Ten O'Clock News program, which is real-time closed captioned, on May 25, 2004. WTTG aired over twenty video-only weather alert crawls and about ten cut-ins during the evening. WTTG attempted several times to reach its outside closed captioning contractor so that the audio portion of the live cut-ins would be closed captioned, but was unsuccessful each time. WTTG's General Manager complained to the contractor after the fact and received a responsive letter, which is attached hereto as Exhibit 1 (the price term quoted is redacted, to protect proprietary information).

During the specific period of time referenced by the complainant WTTG scrolled at least six video-only weather-related crawls across the top of the picture screen (so that these warnings would not interfere with closed captions for its regular programming, which appear at the bottom of the screen). WTTG also broadcast three live weather-related news bulletins, or "cut-ins," interrupting its regular programming, during that period. These cut-ins consisted of a meteorologist on camera introducing Doppler weather radar maps tracing the path of the severe thunderstorm in progress on that evening. The heading on screen above the maps was "Storm." Not only were affected communities depicted on the maps, a list of affected communities and anticipated storm touchdown times was displayed in video to the left of the maps.

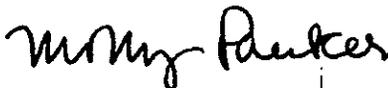
Nevertheless, even without closed captions of the meteorologists' statements, WTTG believed that the cut-ins contained sufficient graphic, visual information so as to render the critical details of the weather emergency accessible to all viewers. As stated above, each live weather bulletin consisted of an on-camera meteorologist introducing on-camera Doppler weather radar maps that graphically depicted the progress of the on going storm. The heading at the top of the picture screen above the maps was "Tornado Warning" or "Storm. This heading remained on screen for the duration of the weather bulletin. Not only did the maps illustrate the direction of the storm and pinpoint affected communities, a separate list identifying affected neighborhoods appeared on screen next to the maps. This list included the exact times

Ms. Martha Contee
July 2, 2004
Page Two

at which the weather system was expected to touch down in each neighborhood. WTTG News management deemed that these detailed on-screen maps and other graphic information adequately communicated the accompanying audio report of the meteorologist.

In conclusion, in WTTG's judgment, its storm coverage, both via cut-ins and weather crawls, in fact provided accessible critical details of the weather emergency on May 25, 2004. A list of WTTG's weather alerts is attached hereto as Exhibit 2.¹ Additionally, as Exhibit 1 indicates, WTTG expects shortly to receive software from its captioning vendor that will facilitate WTTG's ordering of real-time captioning services in emergency situations.

Respectfully submitted,



Molly Pauker

Attachments

cc: Mr. Louis J. Schwarz
4405 East West Highway, Suite 502
Bethesda, MD 20814

Ms. Jennifer Simpson

WTTG Public File

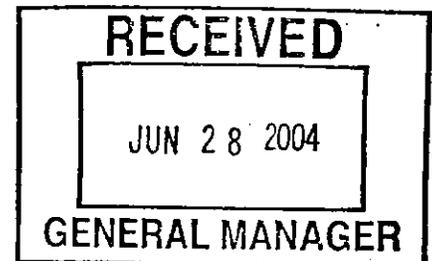
¹ WTTG submitted a videotape of the evening's weather coverage with its response to the Commission's Letter of Inquiry in File No. EB-04-TC-104 to illustrate this contention.

CAPTION

Colorado

Leader in Realtime Captioning, Transcription & Translation

Mr. Duffy Dyer
 General Manager
 WTTG-TV
 5151 Wisconsin Avenue NW
 Washington, DC 80016



Dear Duffy,

As promised we have been reviewing our captioning performance for WTTG as it relates to emergency captioning requests. In reviewing the time, date requests shared by Jeff we definitely did struggle in trying to provide WTTG with emergency captioning. In both cases we experienced a large demand for emergency captioning, (created by widespread storms encompassing several markets-plus other breaking news events). We deploy our emergency captioning to stations on a first come, first served basis. Therefore, sometimes when a large demand for emergency captioning coincides with peak captioning periods, we cannot respond as quickly as we would like too. A fact that we would be more than happy to confirm for WTTG with the Federal Communications Commission in support of the station's efforts to get critical information to Washington's deaf and hard of hearing communities. Still, *we apologize* for letting WTTG down.

I assure you that as far as the future is concerned we will make every effort to meet WTTG's needs. We are presently reviewing our scheduling efforts in light of the volume of emergency requests we received this past spring, early summer. Although Caption Colorado has more full-time/part-time captioners than any other captioning company in the United States we are vehemently pursuing several avenues to bring more on-board, in addition to our scheduling evaluations

We ask that our valued clients continue to give us as much lead-time as possible in requesting emergency service. We also urge our stations to utilize our stand-by captioner coverage, (when anticipating emergency coverage during a specific time period-such as storm warning periods). The rate for such coverage on WTTG is \$43.00 per hour. I've also urged our Tech Department to get our Bison software installed at WTTG ASAP. This

Exhibit 2

WTTG's May 25, 2004 Weather-related Coverage

- 5:35 – 5:38 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Meteorologist and Doppler radar weather maps, headed "Tornado Warning" and "Storm," tracking storm, lists of potentially-affected communities and neighborhoods with anticipated storm touchdown times.
- 5:50 – 5:53 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Watch" and "Storm" indicating weather pattern and direction, affected communities listed with anticipated storm touchdown times; video tips for tornado safety.
- 5:57:00 – 5:57:10 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps, headed "Tornado Warning" and "Storm," tracking storm, lists of potentially-affected communities and neighborhoods with anticipated storm touchdown times.
- 6:02 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 6:05 6:07 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 6:20 – 6:23 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" tracking storm pattern; lists of potentially-affected communities and neighborhoods and anticipated storm touchdown times listed visually.
- 6:43 – 6:45 pm Weather crawl at top of picture screen during regular programming video-only.
- 6:45 – 6:46 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 6:54 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 6:57 pm Weather crawl at top of picture screen during regular programming: Video-only.

- 7:00 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:03 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:10 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:16 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:23 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:27 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:34 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:35 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:38 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:42 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 7:49 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:05 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:18 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:23 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:36 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 8:41- 8:42 pm- Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.

- 8:48 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 8:51:00 – 8:52:06 pm Weather crawl at top of picture screen during regular programming video-only.
- 8:55 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 9:01 – 9:11 pm Weather crawl at top of picture screen during regular programming: Video-only.
- 9:14 – 9:15 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed “Storm” indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 9:36 – 9:43 pm Weather crawl at top of picture screen during regular programming video-only.
- 9:46 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed “Storm” indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 10 pm Ten O’Clock News – real-time closed-captioned information recapping the evening’s weather.



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Entertainment Group

Molly Pauker

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June 29, 2004

Peter G. Wolfe, Esq.
Senior Attorney, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445 12th St., SW, Rm. 4-A262
Washington, DC 20554

Re: EB-04-TC-104 (Investigation of the Provision of Emergency Information in Accessible Formats)

Dear Mr. Wolfe:

On behalf of Fox Television Stations, Inc., licensee of television station WTTG(TV), Washington, DC, this is in response to your June 7, 2004 letter requesting information regarding WTTG's coverage of a thunderstorm/tornado watch on May 25, 2004.

Question 1. The approximate times of WTTG's May 25, 2004 weather coverage are listed below. The videotape accompanying this letter contains time code, so the exact times can be gleaned therefrom.

- 5:35 – 5:38 pm
- 5:50 – 5:53 pm
- 5:57:00 – 5:57:10 pm
- 6:02 pm
- 6:05 6:07 pm
- 6:20 – 6:23 pm
- 6:43 – 6:45 pm
- 6:45 – 6:46 pm
- 6:54 pm
- 6:57 pm
- 7:00 pm
- 7:03 pm
- 7:10 pm
- 7:16 pm
- 7:23 pm
- 7:27 pm
- 7:34 pm
- 7:35 pm
- 7:38 pm
- 7:42 pm
- 7:49 pm
- 8:05 pm
- 8:18 pm

- 8:23 pm
- 8:36 pm
- 8:41- 8:42 pm
- 8:48 pm
- 8:51 pm
- 8:55 pm
- 9:14 – 9:15 pm
- 9:36 – 9:43 pm
- 9:46 pm

- 10 pm

Question 2a). In general, the “weather crawls” were video-only scrolls at the top of the screen during regular programming. They did not obscure any closed captions, which appear at the bottom of the screen.¹ All of the “cut-ins,” i.e., live bulletins interrupting regular programming, were presented by a meteorologist and accompanied by Doppler weather radar maps labeled “Tornado Warning” or “Storm” indicating the severe weather pattern. Lists of affected neighborhoods and communities, with anticipated storm touchdown times were inset.¹ During one such cut-in, tips for tornado safety were listed in video. The live audio was not closed captioned, because WTTG management believed that the frequent video crawls, as well as the detailed weather maps and accompanying video information during cut-ins adequately informed all viewers about the impending weather situation.

- 5:35 – 5:38 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Meteorologist and Doppler radar weather maps, headed “Tornado Warning” and “Storm,” tracking storm, lists of potentially-affected communities and neighborhoods with anticipated storm touchdown times.

- 5:50 – 5:53 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed “Tornado Watch” and “Storm” indicating weather pattern and direction, affected communities listed with anticipated storm touchdown times; video tips for tornado safety.

- 5:57:00 – 5:57:10 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps, headed “Tornado Warning” and “Storm,” tracking storm, lists of potentially-affected communities and neighborhoods with anticipated storm touchdown times.

- 6:02 pm Weather crawl at top of picture screen during regular programming: Video-only.

-

¹ At the end of the evening, prior to its Ten O’Clock News program, WTTG “squeezed” the video to the right of the screen and inserted a panel with the words “Severe Storms” on it on the left side of the screen, both to emphasize the weather crawls and to minimize the vertical height of the crawls in order not to obscure the heads of actors appearing on screen. Only when reviewing a tape of the evening’s broadcasts, did WTTG Engineering staff discover that “squeezing” the picture in fact causes closed captions to drop out. Now that they are aware of this, they will see that it does not happen again in the future.

- 6:05 6:07 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 6:20 – 6:23 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" tracking storm pattern; lists of potentially-affected communities and neighborhoods and anticipated storm touchdown times listed visually.
- 6:43 – 6:45 pm Weather crawl at top of picture screen during regular programming video-only.
- 6:45 – 6:46 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Tornado Warning" and "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.
- 6:54 pm Weather crawl at top of picture screen during regular programming: Video-only.
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- 9:46 pm Live cut-in interrupting regular programming - Audio: Meteorologist presents Tornado Warning and details; Video: Doppler radar weather maps headed "Storm" indicating weather pattern; lists of affected communities with anticipated storm touchdown times.

- 10 pm Ten O'Clock News – real-time closed-captioned information recapping the evening's weather.

Question 2b). WTTG's weather crawls did not obscure closed captioning of regular programming or vice versa, because the weather crawls are scrolled at the top of the screen, and the closed captions appear at the bottom of the screen.

Question 3. A VHS videotape copy of all of WTTG's weather-related programming aired on May 25, 2004 is enclosed herewith. Please note that the time codes, which are included for your information and that somewhat obscure weather map headings, did not appear in the open picture portion of viewers' screens, so that the "Tornado Warning" and "Storm" headings appeared clearly on screen during the evening of May 25.

Question 4. WTTG has been providing local news and information to viewers in the Washington metropolitan area for over 50 years, and the station's news management has vast experience with providing necessary information to the public in times of crisis. Moreover, WTTG has been advised by counsel specifically as to the Commission's definition of "emergency information." In the context of weather-related emergency situations, WTTG understands the term "emergency information," to mean information about imminent weather situations, such as tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, warnings and watches for impending changes in weather that helps to protect life, health, safety or property, primarily intended for distribution to an audience in the geographic area in which the emergency is occurring. WTTG News staff also understands that information on how to respond to a particular emergency situation is particularly important for its viewers. Thus, WTTG personnel understand that critical details such as the specific geographic areas that may be affected, school closings, evacuation orders and routes, locations of shelters, where relief assistance may be obtained and how to secure one's person or property in the face of a particular emergency or disaster situation, should be disclosed in accessible format during emergency situations.

WTTG understands that other, non-weather situations, including, but not limited to, civil disorder, terrorist activity, crime waves, suspicion of explosive devices, public transit failures or widespread power failures also give rise to an obligation to make emergency information, including how to cope, available to viewers.

Question 5. WTTG has no written procedures for handling consumer complaints related to its compliance with § 79.2 of the Commission's Rules. The station handles all viewer complaints, including, but not limited to, complaints related to its compliance with § 79.2 of the Commission's Rules, in the following manner.

All Departments refer viewer complaints to WTTG's General Manager's Executive Assistant, who screens them, places a copy in the station's Public Inspection File and forwards a copy to the appropriate Department head for response. She also retains copies of any responses provided by the station. When she receives a viewer complaint about the accessibility of programming providing emergency information, she notifies the General Manager, who, in turn, sends copies to the Engineering Department and Fox's in-house counsel, who are charged with conducting an internal investigation to determine the nature of the circumstances surrounding the incident(s) complained of. They evaluate the situation and make a recommendation to station management, and, in certain instances, the station's internal procedures are modified based upon this input. For example, in response to complaints about

weather crawls obscuring closed captions of regular programming, WTTG moved its weather crawls from the bottom to the top of the picture screen shortly before May 25, 2004. Moreover, not only has WTTG included in its contract with Caption Colorado, LLC the real-time captioning of breaking news bulletins (i.e., those deemed to warrant cut-ins or interruptions to regular programming), the station is acquiring software that will place it in immediate contact with a captioner as soon as station management plans a live cut-in, because it often takes so much time to make telephonic contact with a captioner that the bulletin is over before captioning can be arranged. Unfortunately, the station did not have this capability as of May 25, 2004.

As noted above, copies of all written or e-mail complaints are placed in the station Public File. Depending upon the nature of the complaint and the station's analysis of the situation, a written response may be provided to the complainant. If the Commission requests a response from WTTG, a written response is provided by counsel, who also provides a copy to the complainant.

WTTG received three complaints about its May 25, 2004 weather coverage. On May 26, 2004, WTTG's in-house counsel received a copy of an e-mail authored by Ms. Cheryl Heppner of the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons regarding local television stations' May 25 weather coverage. WTTG also received the Enforcement Bureau's June 7 Letter of Inquiry and a Notice of Informal Complaint, FCC No. 04-N92524, dated June 7, 2004 from the Chief, Consumer Inquiries & Complaints Division of the Consumer & Governmental Affairs Bureau seeking WTTG's response to Ms. Heppner's complaints about the station's weather coverage on May 25, 2004.

WTTG has received one additional complaint about failure to provide accessible emergency information since January 1, 2003.² On May 12, 2004, WTTG received a letter from the Chief, Consumer Inquiries & Complaints Division of the Consumer & Governmental Affairs Bureau seeking WTTG's response to a complaint WTTG(TV) failed to provide access to emergency information at 7:35 pm on Sunday, May 2, 2004 during the "King of the Hill" program and that closed captions blocked emergency information contained in an on-screen crawl thereafter. Lack of time had prevented WTTG from getting into contact with its closed captioning vendor in time to provide captions for a weather cut-in. WTTG tightened up its

² WTTG received three complaints about its provision of accessible emergency information prior to January 1, 2003.

On May 13, 2002, WTTG received a letter from the Chief, Consumer Inquiries & Complaints Division of the Consumer & Governmental Affairs Bureau seeking WTTG's response to Ms. Heppner's complaint that WTTG failed to provide closed captions during a portion of its Ten O'Clock News program between 9:56 and 10:21 pm on April 29, 2002. Storm conditions had disabled WTTG's main source of electrical power, causing the station to switch automatically to its backup generator. A power surge accompanying the switch caused WTTG's closed captioning encoder to switch itself off. Closed captioning resumed as soon as station personnel became aware of the situation and corrected the problem. Following this incident, WTTG switched its captioning encoder to a continuous, uninterrupted power source.

On October 9, 2002 WTTG received a letter from the Chief, Consumer Inquiries & Complaints Division of the Consumer & Governmental Affairs Bureau requesting a response to the complaint that WTTG did not provide closed captioning for an October 7, 2002 news bulletin regarding a sniper shooting.

WTTG also received a November 12, 2002 letter from the Chief, Consumer Inquiries & Complaints Division of the Consumer & Governmental Affairs Bureau requesting a response to the complaint of Ms. Heppner, that WTTG did not provide closed captioning of news bulletins regarding sniper attacks that occurred during the first three weeks of October, 2002.

internal procedures for ordering closed captions for news bulletins and arranged to acquire software that would enable it to make instantaneous electronic contact with a closed captioner in the event of a live news or weather bulletin. Also, WTTG realized that its emergency weather crawls were obscuring closed captions of regular programming and therefore decided to move such crawls to the upper third of viewers' picture screens as of May 20, 2004.

WTTG has not received any other complaints, either directly from viewers or those forwarded by the Commission, about accessibility of emergency information.

Question 6. 1) WTTG News staff monitors a number of public and proprietary information sources, e.g., news wire services, local police, ambulance and fire department information bulletins, and News reporters make "beat calls," i.e., they telephone information sources in

particular subject areas, every several hours while they are on duty, in order to learn about newsworthy events as soon as they occur, including national, regional and local emergencies. Specifically in the case of weather emergencies, WTTG's Weather Center is equipped with state-of-the-art technology that enables its meteorologists both to predict local weather conditions and to monitor critical situations as soon as the National Weather Service foresees them.

2) Four and one-half of WTTG's six and one-half hours of locally-produced news programming on each weekday are real-time closed captioned. These include WTTG's three and one-half hour morning news program and its daily prime-time news hour. This represents a total of four and one half-hours of real-time captioned news programming each weekday. WTTG's one hour of news each day on weekends also is real-time closed captioned. All of the information provided during this programming, whether breaking news or otherwise, is real-time captioned.

Additionally, it is WTTG's standard operating procedure that, once News Managers or the station's Weather Center has identified once a life-threatening emergency situation, a News Assignment Desk Manager or any other news manager telephones WTTG's captioning contractor to initiate real-time captioning for all live programming relating to the emergency. This procedure is repeatedly communicated to WTTG's staff in Daily Operations Meetings. WTTG staff followed this procedure on May 25, 2004, seeking to engage a closed captioner for the weather cut-ins; however, station personnel were not successful in reaching WTTG's captioning contractor and, after, several attempts, gave up. WTTG's General Manager subsequently complained to its captioning vendor. A copy of the letter he received in response to his telephonic complaint is attached hereto as Exhibit 1.³ Moreover, as indicated above, WTTG is acquiring computer software that will reduce the time required to alert captioners.

WTTG has an established emergency staffing plan for emergency situations. Most of the time sufficient personnel already are on duty at the station to implement this plan in emergency situations, but, if not, additional staff is paged immediately and required to come in

³ WTTG seeks confidential treatment for the price term in the third paragraph of the letter, as this is proprietary information, the release of which could harm both WTTG and Caption Colorado, LLC competitively. Therefore, we are submitting two copies of Exhibit A—one is the complete letter and the other is a redacted copy. We respectfully request that the Commission only make public the redacted copy of the letter.

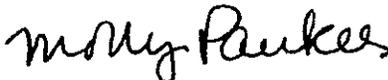
to the station. If transportation is impeded by inclement weather, WTTG sends four-wheel drive vehicles to pick up staff at home.

Question 7. WTTG employs its own staff to produce visual weather "crawls" and other on-screen graphics presenting emergency information. WTTG employs an outside contractor, Caption Colorado, LLC, to provide closed captioning for all other emergency information presented when regular programming is interrupted for live emergency reportage. A copy of WTTG's contract with Caption Colorado, LLC is enclosed herewith as Exhibit 2. Please note that WTTG seeks confidential treatment, pursuant to § 0.459 of the Commission's Rules, only with respect to the prices listed in Exhibit B to that agreement, as these negotiated rates are proprietary and disclosure would result in competitive harm to WTTG and possibly also to Caption Colorado, LLC. To this end, a clean copy and a redacted copy of the page in question are submitted, and we respectfully request that the Commission only make public the redacted copy.

Question 8. WTTG's license was last renewed on February 14, 1997. It will expire on October 1, 2004. WTTG filed a license renewal application with the Commission on May 27, 2004, File No. 20040527AKR.

In conclusion, it is Fox's position that, as evidenced by the enclosed videotape, WTTG's coverage of the weather-related emergency on May 25, 2004 was more than sufficient to convey critical details of the situation to all of its viewers, including the hearing impaired.

Respectfully submitted,



Molly Pauker

Attachments

cc: WTTG Public File

DECLARATION OF JEFF ANDREW

I, Jeff Andrew, hereby state as follows:

1. I am Vice President, Engineering and Operations, WTTG(TV), Washington, DC.
2. I have read the foregoing letter to Peter G. Wolfe, Esq. dated June 29, 2004, which responds to the letter dated June 7, 2004, from Colleen K. Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau. I declare that the facts stated there in are true and correct, to the best of my knowledge.
3. I prepared the videotape filed along with this letter. I declare that is a true and accurate record of material actually broadcast by WTTG on May 25, 2004.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 29, 2004.



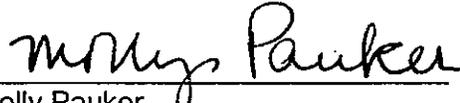
Jeff Andrew
Vice President, Engineering and Operations
WTTG(TV)
5151 Wisconsin Avenue, NW
Washington, DC 20016
(202) 895-3175

DECLARATION OF MOLLY PAUKER

I, Molly Pauker, hereby state as follows:

1. I am Vice President of Fox Television Stations, Inc., licensee of WTTG(TV), Washington, DC
2. I declare that the facts stated in the foregoing letter to Peter G. Wolfe, Esq. dated June 29, 2004, which responds to the letter dated June 7, 2004, from Colleen K. Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau, are true and correct, to the best of my knowledge.
3. I obtained the documents attached to this letter and labeled as Exhibits 1 and 2 from the files of Glenn Dyer, Vice President and General Manager, WTTG(TV).

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 29, 2004.



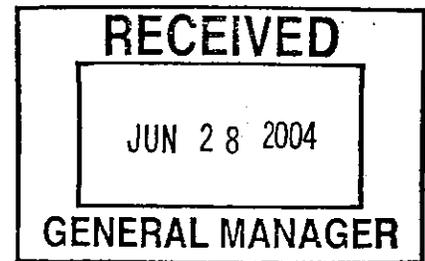
Molly Pauker
Vice President, Corporate and Legal Affairs
Fox Television Stations, Inc.
5151 Wisconsin Avenue, NW
Washington, DC 20016
(202) 895-3088

CAPTION

Colorado

Leader in Realtime Captioning, Transcription & Translation

Mr. Duffy Dyer
 General Manager
 WTTG-TV
 5151 Wisconsin Avenue NW
 Washington, DC 80016



Dear Duffy,

As promised we have been reviewing our captioning performance for WTTG as it relates to emergency captioning requests. In reviewing the time, date requests shared by Jeff we definitely did struggle in trying to provide WTTG with emergency captioning. In both cases we experienced a large demand for emergency captioning, (created by widespread storms encompassing several markets-plus other breaking news events). We deploy our emergency captioning to stations on a first come, first served basis. Therefore, sometimes when a large demand for emergency captioning coincides with peak captioning periods, we cannot respond as quickly as we would like too. A fact that we would be more than happy to confirm for WTTG with the Federal Communications Commission in support of the station's efforts to get critical information to Washington's deaf and hard of hearing communities. Still, *we apologize* for letting WTTG down.

I assure you that as far as the future is concerned we will make every effort to meet WTTG's needs. We are presently reviewing our scheduling efforts in light of the volume of emergency requests we received this past spring, early summer. Although Caption Colorado has more full-time/part-time captioners than any other captioning company in the United States we are vehemently pursuing several avenues to bring more on-board, in addition to our scheduling evaluations

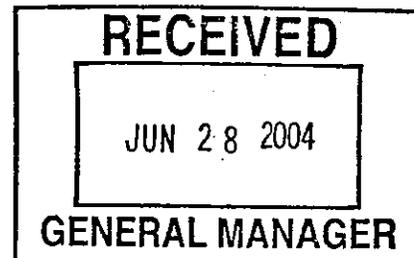
We ask that our valued clients continue to give us as much lead-time as possible in requesting emergency service. We also urge our stations to utilize our stand-by captioner coverage, (when anticipating emergency coverage during a specific time period-such as storm warning periods). The rate for such coverage on WTTG is \$43.00 per hour. I've also urged our Tech Department to get our Bison software installed at WTTG ASAP. This

CAPTION

Colorado

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 General Manager
 WTTG-TV
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 Washington, DC 80016



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CAPTION

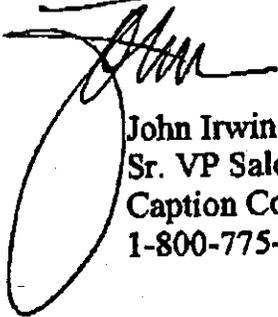
Colorado

Cont.,

software will not only save you money,(we pass along our phone bill savings)but also has an emergency contact feature that will improve response time. In addition, it allows the station to communicate with the captioner when extended coverage is desired.

If I can answer any other questions,or help in any way please let me know. Again, I apologize for not meeting WTTG's expectations. We will strive to be better.

Sincerely,



John Irwin
Sr. VP Sales/Marketing
Caption Colorado
1-800-775-7838

RECEIVED
JUN 28 2004
GENERAL MANAGER



STATION AGREEMENT CLOSED CAPTIONING SERVICES WTTG-TV

This Agreement is effective as of 12:01 a.m. on March 1, 2004 (the "Effective Date"), and is made between Caption Colorado, L.L.C., a Colorado Limited Liability Company, 5690 DTC Blvd., Suite 500W, Greenwood Village, CO 80111 ("Caption Colorado") and Fox Television Stations, Inc., on behalf of WTTG-TV., 551 Wisconsin Ave., Washington, D.C., 20016, (referred to herein as "Station"), for the reasons and on the terms and conditions set forth below.

RECITALS

A. Caption Colorado provides closed captioning and other services for live television programs (i.e. "Real Time Captioning Services") to television stations, networks and other program providers.

B. Station desires to hire Caption Colorado to provide Real Time Captioning Services and Caption Colorado desires to be hired to provide such services on the terms and conditions set forth herein.

AGREEMENT

In consideration of the mutual promises and undertakings set forth below, Caption Colorado and Station agree as follows:

A. Captioning Services Provided.

1. *Station's Live Broadcast Schedule; Initial Captioning Schedule.* Attached as Exhibit A is a schedule of all of Station's current news television programming, which shall be referred to herein as "Live Broadcast Schedule". Also noted on said Exhibit A are the specific news programs within Station's Live Broadcast Schedule which Station desires Caption Colorado to commence captioning (herein "Initial Captioning Schedule") as of the Commencement Date also specified on said Exhibit A. Station and Caption Colorado hereby acknowledge their understanding that the news and any other live programming that Station actually does broadcast during the term hereof, may vary from the Station's Live Broadcast Schedule.

2. *Commitment to Caption.* Caption Colorado agrees to commence captioning the programs included in the Initial Captioning Schedule as of the Commencement Date. Caption Colorado also agrees to provide real time captioning services for all other programs included in the Station's Live Broadcast Schedule as well as any other live programming which Station hereafter decides to broadcast at any time during the term of this Agreement. With respect to programs not included in the Initial Captioning Schedule, Caption Colorado shall commence captioning those programs as soon as possible, but no later than sixty (60) days after receipt of notice from Station requesting commencement of captioning.

3. *Exclusive Service Agreement Primary Programming; Minimum Monthly Captioning Hours; Rights Secondary Programming.* During the term hereof, Station agrees to hire Caption Colorado as its exclusive provider of real time closed captioning services for all of Station's real time television closed captioning needs for its news, live sporting events and any other live programming. With respect to such programming, Station and Caption Colorado also hereby agree that the minimum number of hours per month of captioning to be provided hereunder by Caption Colorado, and/or to be paid for by Station hereunder, shall be the Minimum Monthly Hours designated on Exhibit A.

With respect to Station's needs for "Other Services" (as described on Exhibit B attached hereto and hereby incorporated herein), Caption Colorado shall use its best efforts to provide up to all of Station's needs

for such services, on thirty (30) days notice, after receipt of an order therefore from Station. The order shall specify the type of service needed, and the specific dates, days and begin and end times of any non-reoccurring events or programming for which services are needed, or the same information and the term for which such services are needed if the events or programming involve reoccurring patterns. So long as Caption Colorado is able to commit to fulfill any such orders so placed by Station and so notifies Station within the specified notice period, Station shall use Caption Colorado for all of its needs for such services, but Station shall have no obligation to order any such services or to meet any minimum commitments with respect to any of such services during the term hereof. In the event Caption Colorado does not notify Station of its commitment to provide any services so ordered by Station within the specified notice period, Station shall be free to secure services from other providers for the specific non-reoccurring events or programming described in the order, or for the duration of the term specified in the order for any reoccurring events or programming.

With respect to Station's needs for "Other Services" (as described on Exhibit B attached hereto and hereby incorporated herein), Caption Colorado shall use its best efforts to provide up to all of Station's needs for such services although Station shall have no obligation in terms of minimum commitments or otherwise, to ordering any such services hereunder. In the event Station does order any such service from Caption Colorado during the term hereof, Station will be charged the rates specified on Exhibit B hereto for each such service. In the event Station desires to seek lower rates for such services through competitive offers from other providers at any time during the term hereof, Station agrees to give Caption Colorado the right of first refusal to match any such competitive offer and elect to provide such service at such rate, by so notifying Station no later than five (5) calendar days of receipt from Station of written notice of the competitive terms.

B. Equipment and Other Materials Provided by Station

1. *Equipment and Local Telephone Lines.* Attached as Exhibit C and C-1 is a list of equipment, computers and software (with specifications, diagrams and instructions) and local telephone lines and numbers and Internet addresses, services and connections, which Station shall be obligated to obtain, install on its premises, operate and maintain in good and proper working order, at its expense, at all times during the term of this Agreement. The equipment, computers, software phone lines and Internet connections are to be used exclusively by Caption Colorado in providing the services called for herein. If at any time during the Term of this Agreement, Caption Colorado is prevented from providing such services as a result of the failure of any such equipment, telephone lines or Internet connections to function properly, Station shall promptly replace and/or repair the defective components at its own expense. In such event, Station shall also be responsible for payment to Caption Colorado for all services that Caption Colorado was prevented from providing as a result of any such failure, for up to 24 hours after the onset of the failure, as if such services had been fully performed by Caption Colorado.

2. *Other Materials.* Also listed on Exhibit C is a list of materials and information that Station, at its expense, shall make available and provide to Caption Colorado during the term of this Agreement.

C. Toll Free Lines; Long Distance Expense

1. *Audio.* Caption Colorado shall provide one toll free long distance telephone line directed at the local toll line to be provided by Station pursuant to the provisions of Paragraph B.1 above, for access to Station's audio by Caption Colorado's captioners. Caption Colorado shall pay for all of the long distance expenses associated with the use of such toll free number.

2. *Encoder.* Pursuant to the requirements in paragraph B.1 above, Station shall provide a PC on its premises on which Caption Colorado's *Bison Customer Control Center* software application shall be installed. Caption Colorado shall utilize the Internet to transport the captioning text from its captioners to the Bison



Customer Control Console software on Station's PC (and then on to Station's encoder from the PC through internal cabling set up in accordance with the specifications in Exhibits C and C-1).

As an emergency backup system to the foregoing, Caption Colorado shall also provide one toll free telephone line directed at the local toll line (and modem) to be provided by Station pursuant to the provisions of Paragraph B.1 above, for delivery of the captioning text to the encoder. In the event and to the extent Caption Colorado is forced to use such emergency backup system during the term hereof to provide real time captioning for Station, Caption Colorado shall bear the expenses associated with the long distance charges.

D. Service Quality; Procedures for Problems or Complaints

Caption Colorado shall perform all services and captioning rendered hereunder in accordance with normal industry workmanship and performance standards. For the duration of the Agreement, Caption Colorado shall maintain a toll free telephone number which Station shall have the right to call 24 hours per day, 365 days per year, regarding problems or complaints of an emergency nature, and which Station shall have the right to call during normal business hours for any other problems or complaints Station may have involving the quality of captioning. In the event of such a problem or complaint, Station shall provide Caption Colorado with a reasonably detailed explanation of the errors or problems and Caption Colorado shall conduct a prompt investigation of the matter and take such actions as are necessary to resolve the problem and to prevent its reoccurrence in the future, as soon thereafter as is reasonably possible. Within five business days of the receipt of any such complaint, Caption Colorado shall provide an oral report to a representative of Station of the results of its investigation, and the corrections or other actions taken by Caption Colorado to correct the problem.

E. Pricing, Deposit and Payment Terms

1. *Pricing.* From the Effective Date through the end of the calendar year in which the Effective Date falls, Station shall be charged the amounts set forth on the attached Exhibit B for the various services described therein. Beginning on January 1 of the following calendar year, and on every 12 month anniversary date thereafter during the term hereof, all of the rates charged to Station hereunder shall be increased by the greater of (i) 4 percent (4%) or (ii) the most recent annual percentage increase in the Consumer Price Index as published by the Bureau of Labor Statistics of the United States government. The rates charged for any twelve (12) month extension period of the Agreement after the Initial Term, shall be equal to the rates in effect immediately prior to the commencement of the twelve (12) month extension period, increased by the greater of (i) four percent (4%) or (ii) the most recent annual percentage increase in the Consumer Price Index as published by the Bureau of Labor Statistics of the United States government.

2. *Deposit.* Upon execution of this Agreement, Station shall pay to Caption Colorado as a deposit, cash equal to the Deposit Amount set forth on the attached Exhibit A. The deposit shall be held by Caption Colorado as security for all amounts payable hereunder by Station and shall be returned promptly to Station following termination of the Agreement.

3. *Payment Terms.* Caption Colorado shall invoice Station monthly for all charges contemplated by this Agreement, and Station shall pay all amounts reflected in each invoice within thirty (30) days of the date of that invoice. In the event that Caption Colorado does not receive payment in full of any invoice within thirty (30) days of the date of that invoice, the total amount due shall accrue interest at the rate of 1.5% per month until paid in full, and Caption Colorado shall be entitled to offset any such amounts owing, including accrued interest, with Station's Deposit funds held by Caption Colorado pursuant to paragraph E.2. above.

4. *Mutual Obligation to Perform Services and to Pay as of Effective Date.* The parties hereby acknowledge their understanding that Caption Colorado's obligation to provide the services contemplated by this Agreement, and Station's obligation to accept such services and to pay the agreed prices therefore, shall be



binding as of the Effective Date, notwithstanding the fact that services may not commence until the Commencement Date

5. *Collection Expenses.* In the event Caption Colorado initiates any action or proceeding to collect any amounts due, or to enforce any rights under this Agreement, then, in addition to any other remedies available to it in law or equity, Caption Colorado shall be entitled to recover all of its actual, out-of-pocket costs incurred in connection with any such action, including reasonable attorney's fees, providing that Caption Colorado is the prevailing party in such action or proceeding.

F. Term of Agreement; Termination

1. *Initial Term.* The initial term of this Agreement ("Initial Term") shall be for a period of five (5) years from the Effective Date, unless terminated earlier in accordance with other provisions hereof.

2. *Automatic Extension.* This Agreement shall automatically renew for successive twelve (12) month periods following the Initial Term, unless Station or Caption Colorado, at least sixty (60) days before the end of the Initial Term, or before the end of any such twelve (12) month extension period, provides written notice to the other party of its intent to terminate this Agreement.

3. *Termination for Late Payment.* Caption Colorado may terminate this Agreement upon ten (10) days prior written notice to Station, if any amounts owed by the Station under this Agreement become more than thirty (30) days past due, and said default is not cured within such 10 day period.

4. *Termination for Dissatisfaction with Service.* In the event, after compliance with paragraph D above, Station shall reasonably believe that Caption Colorado has not corrected any problems of which Station has complained in such a manner as to restore the services provided hereunder to normal industry workmanship and performance standards, Station shall have the right to terminate this Agreement by delivering to Caption Colorado written notice of such decision with the specific basis, facts and circumstances upon which the decision is based, together with payment for all undisputed services rendered through the termination date. In such instance, unless otherwise agreed by the parties, services hereunder, the responsibility to pay therefore and this Agreement shall terminate with respect to such Station at 12:00 Midnight on the date of receipt by Caption Colorado of such notice and payment.

G. Other Provisions

1. *Entire Agreement.* This Agreement constitutes the entire Agreement between the parties and no representations, warranties, or other statements or promises have been made by any party in connection with this Agreement except as set forth in this Agreement.

2. *Errors and Omissions.* Station understands and agrees that real time closed captioning is a difficult and demanding task and that errors or omissions will from time-to-time be made in the course of providing the real time closed captioning services called for hereunder. Station agrees that neither Caption Colorado nor any of its officers, directors, captioners or other employees shall be liable for any such errors or omissions other than due to gross negligence or willful misconduct.

3. *Governing Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

4. *Notices.* Any notices to Caption Colorado or to Station required or permitted under this Agreement shall be given in writing, either by personal service or by registered or certified mail, postage

prepaid, duly addressed to its chief executive officer or equivalent employee at its then principal place of business and, in the case of notices to Station, with a copy to Fox Televisions Stations, Inc., 1999 S. Bundy, Los Angeles, CA 90025, attn: Legal Dept.. For the purpose of determining compliance with any time limit established by this Agreement, a notice shall be deemed given at the time of postmark date or, in the case of personal service, at the time service is made.

5. *Arbitration.* Any controversy, dispute or claim under, arising out of, in connection with, or in relation to this Agreement, including but not limited to the negotiation, execution, interpretation, construction, scope, performance, breach, termination, validity, or enforceability of this Agreement or any term or provision thereof, shall be settled, at the request of either party, by arbitration conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association before a panel of three arbitrators chosen in accordance with those Rules. The arbitration of any such issues, including the amount of damages suffered by either party, shall be final and binding upon the parties to the maximum extent permitted by law, except the arbitrators shall be permitted or authorized to award punitive or exemplary damages with respect to any such controversy, claim or dispute. Judgment upon the award rendered by the arbitrators may be entered in any court having jurisdiction thereof. The hearing on any such arbitration shall be held in Denver, Colorado, and the Station and Caption Colorado shall each be liable for one-half of all fees and costs charged by those arbitrators. The parties intend that this paragraph shall be valid binding, enforceable, and irrevocable, shall survive the termination of this Agreement and that any arbitration proceedings hereunder be concluded within sixty (60) days after the initiation of those proceedings, and that all parties shall proceed on an expedited basis.

6. *Headings.* Headings and Titles used herein for paragraphs and other sections or parts are for convenience only and shall not be construed as part of the Agreement.

7. *Confidentiality.* The information contained in this Agreement and its Exhibits is confidential and intended for the exclusive use of Station and Caption Colorado and their authorized representatives. It may not be reproduced, copied or communicated to any other party, in any manner whatsoever, in whole or in part, without the prior written consent of the other party.

8. *Copyrights.* Station warrants that it is the copyright owner of the programs that it produces and that it has the right to telecast materials that it does not own. Station shall own the copyright in all materials produced by Caption Colorado hereunder.

9. *Indemnification.* Caption Colorado shall indemnify, defend, and hold harmless Fox Television Stations, Inc., its subsidiaries and affiliates, and their respective officers, directors, and employees from and against any and all liabilities, losses, damages, claims, expenses, suits, actions, or other proceedings (including reasonable attorneys' fees and expenses, whether or not litigation is actually commenced) arising from Caption Colorado's acts or omissions in connection with its services hereunder or the breach or alleged breach of any provision of this Agreement by Caption Colorado, except as otherwise specified in paragraph G.2. above. Station shall indemnify, defend, and hold harmless Caption Colorado its subsidiaries and affiliates, and their respective officers, directors, and employees from and against any and all liabilities, losses, damages, claims, expenses, suits, actions, or other proceedings (including reasonable attorneys' fees and expenses, whether or not litigation is actually commenced) in connection with any action brought against Caption Colorado by a third party alleging that copyrights were infringed as a result of Station's telecast.

Without limiting the scope of the foregoing, each party's indemnity obligation shall extend to any damages assessed as a result of any legal action or arbitration, or any amounts paid in settlement of any claim, or any amounts paid in defending against any claim subject to the foregoing indemnity clause, regardless of whether a finding of liability is made against the indemnified parties concerning such claim. Additionally, the indemnified parties shall be entitled to recover all legal fees (including attorney's fees and expenses) that they actually incur in connection with the successful pursuit of an indemnity claim against the indemnifying party.

CAPTION
Colorado

With respect to any defense assumed by the indemnifying party under this paragraph, the indemnified parties shall have the right to choose their own defense counsel, and the indemnifying parties shall pay the reasonable expenses of said counsel in connection with the defense of any indemnified claim as they are incurred and invoiced. Each party shall notify the other party promptly in writing in the event of any such claim and shall cooperate with the indemnifying party in the defense thereof. This indemnification provision shall survive the termination or expiration of this Agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates written below.

Caption Colorado, L.L.C.

Station: Fox Television Stations, Inc.

By _____
R.T. Polumbus, President

By *DM Kenney*
David M. Kenney, VP/Legal Affairs

Date: _____

Date: 4/14/08



Exhibit A
Station Agreement
Closed Captioning Services
WTTG-TV

Station's Live Broadcast Schedule
And Initial Captioning Schedule

Live Broadcast Schedule. Attached hereto as Exhibit A-1, and hereby incorporated herein, is a schedule describing all of Station's current regular daily news programming (herein as "Live Broadcast Schedule").

Initial Captioning Schedule. Attached hereto as Exhibit A-2, and hereby incorporated herein, is a schedule describing all of Station's current regular daily news programming and other programming, if any, which Station desires Caption Colorado to begin captioning as of the Commencement Date (herein "Initial Captioning Schedule").

Commencement Date: March 1, 2004

Equipment Test Date: Not applicable

Minimum Monthly Hours: 107

Deposit Amount: Waived

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Exhibit B
Station Agreement
Closed Captioning Services
WTTG-TV
Price List

Regular News Captioning

Station Rate	\$105.00 per hour*
Minimum Fee	\$60.00
Emergency and Breaking News Coverage	\$130.00 per hour
Minimum Fee	\$65.00
Guaranteed coverage of FCC emergencies located within your local market. Regional and national emergencies covered on a best effort, first-come-first-served, basis.	
Stand-by Rates	\$43.00 per Hour
Program Cancellations	N/C
24 hour advance notice required. Otherwise, Station billed in full for scheduled time.	
Morning Break or Cut-Ins	\$43.00 per Break or Cut-In

Sporting Events

Pre-Scheduled Events (minimum 24 hours in advance; includes first 3 hours)	\$375.00 per game
Over 3 hours (Minimum 15 minute billing units)	\$120.00 per hour
Stand-by rates will be applied to game delays caused by weather or other forces of nature.	
Last Minute Events (scheduled less than 24 hours in advance; includes first 3 hours.)	\$400.00 per game
Over 3 hours (Minimum 15 minute billing units)	\$120.00 per hour
Stand-by rates will be applied to game delays caused by weather or other forces of nature.	
All sports (basketball, football, baseball, hockey, soccer, etc.); professional, collegiate or high school.	

Other Services

Spanish to Spanish Captioning	\$275.00 per hour
English to Spanish Captioning	\$490.00 per hour
SAP Service	\$225.00 per hour
Spanish Translation for Website Services	\$00.20 per word
Internet Text Streaming, simultaneous with TV Captioning.....	\$35.00 per hour
Internet Text Streaming.....	\$140.00 per hour
Transcript of Captioning; Unedited	\$15.00 per File
Transcript of Captioning; Edited to 99%+ Accuracy	\$3.10 per program minute
Minimum Fee Other Services	½ the 1 hour rate

Minimum Billing Unit (All Service Classifications)..... 15 Minutes

* requires the installation of Bison Software System within 30 days of the Commencement date or rate will be \$108.

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Exhibit B
Station Agreement
Closed Captioning Services
WTIG-TV
Price List

Regular News Captioning

Station Rate	\$ [redacted] per hour*
Minimum Fee	\$ [redacted]
Emergency and Breaking News Coverage	[redacted] per hour
Minimum Fee	\$ [redacted]
Guaranteed coverage of FCC emergencies located within your local market. Regional and national emergencies covered on a best effort, first-come-first-served, basis.	
Stand-by Rates	\$ [redacted] per Hour
Program Cancellations	N/C
24 hour advance notice required. Otherwise, Station billed in full for scheduled time.	
Morning Break or Cut-Ins	\$ [redacted] per Break or Cut-In

Sporting Events

Pre-Scheduled Events (minimum 24 hours in advance; includes first 3 hours)	\$ [redacted] per game
Over 3 hours (Minimum 15 minute billing units)	\$ [redacted] per hour
Stand-by rates will be applied to game delays caused by weather or other forces of nature.	
Last Minute Events (scheduled less than 24 hours in advance; includes first 3 hours.)	\$ [redacted] per game
Over 3 hours (Minimum 15 minute billing units).	\$ [redacted] per hour
Stand-by rates will be applied to game delays caused by weather or other forces of nature.	
All sports (basketball, football, baseball, hockey, soccer, etc.); professional, collegiate or high school.	

Other Services

Spanish to Spanish Captioning	\$ [redacted] per hour
English to Spanish Captioning	\$ [redacted] per hour
SAP Service	\$ [redacted] per hour
Spanish Translation for Website Services	\$ [redacted] per word
Internet Text Streaming, simultaneous with TV Captioning	\$ [redacted] per hour
Internet Text Streaming	\$ [redacted] per hour
Transcript of Captioning; Unedited	\$ [redacted] per File
Transcript of Captioning; Edited to 99%+ Accuracy	\$ [redacted] per program minute
Minimum Fee Other Services	½ the 1 hour rate

Minimum Billing Unit (All Service Classifications)..... 15 Minutes

* requires the installation of Bison Software System within 30 days of the Commencement date or rate will be \$ [redacted]

Confidentiality; The information contained in this Agreement and on this Exhibit is confidential and intended for the exclusive use of Station and Caption Colorado and their authorized representatives. It may not be reproduced, copied or communicated to any other party, in any manner whatsoever, in whole or in part, without the prior written consent of the other party.



Exhibit C
Station Agreement
Closed Captioning Services
WTIG-TV

Equipment

1. **Technical Diagram and Equipment List and Specifications.** Attached hereto as Exhibit C-1, and hereby incorporated herein, is a document entitled "*Customer Control Console; Setup and Installation Instructions*". It contains a technical diagram and flow chart and a description of all of the equipment, computer hardware and software (with technical specifications) that Customer will be required to install, maintain and keep operating on their business premises throughout the term of the agreement.
2. **Gentner Box/IFB or Internet Connection To Access Broadcast Audio.** As shown on Exhibit C-1, customer must provide a local phone line connected to an audio coupler in customer's studios, which the captioner can use to listen to the audio portion of the broadcast. Alternatively, at Caption Colorado's request, customer must provide access to the broadcast audio via the Internet through a computer and software designed for that purpose and provide such user names, passwords and other security codes as are necessary to allow access by our captioners.
3. **Computer with URL Internet Address and Encoder To Receive Captioning Data.** Also as shown on Exhibit C-1, customer must provide an IBM compatible computer ("PC") with a fixed routable Internet address. Caption Colorado's Bison Customer Control Console software must be installed on the PC. With this software in place, the captioner will deliver the captioning text via the Internet directly to the PC. Our Customer Control Console software will receive the data, provide customer with certain controls over the number of lines of captioning and captioning placement and will deliver the captioning text out a serial port on the computer to the encoder. The computer must be connected to the encoder either via an RS232 cable or via customer's internal computer network configuration (customer's option) bypassing any external or internal modem in the encoder.
4. **Telephone Line/Modem for Encoder Backup; Internet Access to Scripts.** Customer shall provide one local telephone line and modem for our captioners to use as a "back up system" for delivering the captioning text to the PC, or directly to customer's encoder, in the event of a failure, or breakdown, in the Internet system or in the PC. Customer shall also provide Internet access through a local computer, for captioner access to customer's program scripts for pre-prep prior to captioning. Station may provide a toll free telephone line, aimed at a local telephone number and modem connection to Station's newsroom computer, as an alternative to the Internet protocol for access to the scripts, by captioners.

Other Information

1. **Rosters and Word Lists.** From time-to-time during the term of this agreement, customer shall provide Caption Colorado with the following:
 - a. Correct spelling of names of broadcasters and other local political and famous people and their names and correct spellings of well known places, streets, local landmarks, suburbs and towns and businesses commonly referred to, or associated with, customer's programming.
 - b. Recent broadcast videotapes of various types of customer's programming for use by CC captioners in building dictionaries and for use as samples of programming for practice and training.

Confidentiality; The information contained in this Agreement and on this Exhibit is confidential and intended for the exclusive use of Station and Caption Colorado and their authorized representatives. It may not be reproduced, copied or communicated to any other party, in any manner whatsoever, in whole or in part, without the prior written consent of the other party.



Bison Captioning Software System

Customer Control Console **Setup and Installation Instructions**

Current Equipment and Captioning System **(Keep Current Telephone-Modem System In Place as Backup to Internet)**

If Station (referred to in this "Setup and Installation Instructions" as "Customer") has been using real time captioning with a telephone and modem connection to its encoder, Caption Colorado recommends leaving this system in place to be used as an emergency backup system to the regular Internet protocol specified in this document for captioning. Caption Colorado also recommends installing a Telco (RJ-12) "switch" between Customer's existing modem and encoder allowing access by captioners to the Customer Control Console via the telephone and modem backup system (see Technical Diagram).

Please contact us before beginning installation at 1-800-590-4203 to schedule a support representative to assist you.

Customer Control Console Installation Overview

The major steps in installing and activating the *Bison Customer Control Console* ("CCC") follow. A list of detailed installation procedures can be found following this overview.

- 1. Set Up PC:** (See the attached hardware and software specifications for the PC)
 - Constant, permanent Internet connection
 - Routable IP address and one exposed port (do not need the entire address)
 - WinTV Go! Card (provided by Caption Colorado complementary to Customer)
See IMPORTANT NOTE in detail section
- 2. Make Hardware Connections:**
 - Install Telco (RJ-12) switch between existing modem and encoder
 - Install 232PTC switch to support Newsroom captioning (if Newsroom captioning is used)
 - Connect your PC to the encoder
- 3. Install Software:**
 - Load latest WinTV card drivers
 - Load latest WinTV card application provided by Caption Colorado
 - Load CCC software on your PC
- 4. Make Video Connection**
- 5. Configure CCC Software**

3. INSTALL SOFTWARE

LOAD WINTV CARD DRIVERS AND APPLICATION.

IMPORTANT NOTE: Do NOT install the software or drivers that came with your Hauppauge Card!

When you reboot your PC after installing the WinTV card, Windows will try to install the drivers. You can simply click Cancel to bypass this.

Drivers

IMPORTANT NOTE: If you have already installed the drivers that came with the Card, call tech support for uninstall instructions.

Go to www.hauppauge.com/html/sw_wcst.htm. Download and install the latest WinTV Driver for your specific operating system.

Application

Go to www.hauppauge.com/html/sw_wcst.htm. Download and install the latest WinTV Application for your specific operating system.

TEST WINTV / VGA CARD.

How to determine if your VGA card is compatible with closed captioning display

Run the WinTV 2000 application from the icon on your desktop. Click the "remote control" button (in the right bottom corner). Click CC button on the remote control.

If you get a notice message that closed captioning is not available, you need to try the other video display modes, otherwise you should see the captioning over the video (if your video source currently contains captioning) and you should proceed to the Install CCC Software step.

Switch video display modes by first closing the WinTV application, and then running the WinTV Primary application. Select one of the other display options, and then close WinTV Primary. Run the WinTV 2000 Application again and try clicking on the CC button. If that selection does not work, try the remaining display option. Be sure to try all three options to find a compatible mode if possible.

Having old Hauppauge drivers installed may cause Closed Captioning to be unavailable in all of the display modes.

If you have tried all three video display mode options and none of them seemed compatible with closed captioning, return the WinTV Primary setting to its original state.

INSTALL CCC SOFTWARE.

Go to http://www.captcolo.com/cc_software/capco_cc/install.exe to download and install the software. Your PC may need to reboot and re-launch the install if your system needs to have certain system files updated.



4. MAKE VIDEO CONNECTION.

If your Video Card was deemed closed captioning compatible in the previous step, you should attach a composite or RF video feed from any point in your system downstream of the Closed Captioning encoder.

Otherwise, connect it from the decoded (open) output of your encoder, if your encoder has a decoded output.

5. CONFIGURE CCC SOFTWARE FOR USE.

LAUNCH THE SOFTWARE.

IMPORTANT NOTE: Be sure WinTV is NOT running before launching Customer Control Console

Launch the CCC software and enter a name for your station. This is usually your station call letters. You also need to enter the port number you were assigned by your network administrator in the second step.

CHECK FOR VIDEO.

If you are seeing your video input in the center area at the top of the Customer Control Console, you can proceed to the next step.

If you do not, select "Why don't I see video?" from the help menu. If the card is detected, it may not be tuned to the correct channel/input. If this is the case, click on the "Bison" graphic to bring up the Input screen, and tune the channel up or down at the top-left corner, or select the appropriate input (i.e. click the "1" button for composite input 1). Alternatively, you may double right click the blank video area and select Channel -> Channel Explorer and configure your available inputs.

If the message says No WinTV card detected, you have not installed the card, have an outdated driver for the card, or have some other problem with the installation. If you need assistance with this please contact Caption Colorado technical support at: support@captcolo.com or 1-800-590-4203.

CONFIGURE YOUR CONNECTIONS.

You will need to configure Customer Control Console to tell it where your modem and encoder are. This is done by selecting "Com Ports and Network Configuration" from the "Setup" menu. Here you need to select the serial ports that your modem and encoder are connected to.

If you are using an IP-based captioning encoder, select "TCP/IP" at the top of the list of Com ports for the encoder. The display will change to allow you to set the address and port with which to connect to your encoder.

Otherwise, set the port, baud rate, and communication settings for your encoder's serial connections. Almost all encoders are 1200 or 2400 baud and 1 stop bit, but data word length and parity settings do vary between manufacturers. Some of the more common encoders are listed in the "Cabling Appendix" section of this document.

For the modem, you should set the port speed in Customer Control Console to your modem's maximum connection speed. I.E. for 56K modems, select 56000. For 36K modems, select 38400.

Once you have the settings stored, close the COM Ports Setup window.



TEST CLOSED CAPTIONING.

Now, go to the "Encoder" menu and select "Send test." This will send a stream of test data through your encoder (A 4-line rollup caption of your call letters and the software version information). If everything is configured properly, you should see this stream come through as a caption in the video area of the CCC.

Don't forget to select "Pass Network/Newsroom Captions" afterwards to release the encoder to allow upstream captioning to pass, and to release the 232PTC switch to your newsroom caption system (if used).

COMPLETE.

Congratulations! You have successfully configured the Bison Customer Control Console software and are ready to perform a test with a live captioner. Please contact us at 1-800-590-4203 to arrange a test.



**Special Addendum
To
Customer Control Console
Setup and Installation Instructions**

**For Broadcasters utilizing both *Newsroom* and *Real-time*
captioning with an EEG EN-470 encoder**

Many of our clients are using the built-in functionality of the EN-470 encoders to arbitrate caption data between our Realtime captioning and their newsroom system's teleprompter output. The EN-470 is capable of discontinuing input from its serial ports P1 and P2 when caption data is being received through its modem(s). However, when the Bison Software Customer Control Console is integrated, the EN-470 is not capable of switching off the newsroom system's captioning feed in favor of the Realtime caption data from Caption Colorado.

Therefore, we recommend that you also install a 232PTC Port Combiner from B&B Electronics (www.bb-elec.com) when integrating the Bison Customer Control Console.

The 232PTC will allow us to switch your newsroom system's feed on or off as is necessary depending on whether we are captioning your programming or not. The system will operate automatically to allow input from your newsroom system immediately after termination of our real time captioning feed.

First, please be aware that the 232PTC is a device, and not a switch, and it does generate a moderate amount of heat. It should be mounted in an area that will allow air to circulate.

You will need to connect the serial port of the PC computer that is running our Bison software to either PORT 1 or PORT 2 of the 232PTC. It accepts the connection with a DB25F connector, so you may need to obtain a DB9 to DB25 adapter to accomplish this. For this connection, use a straight-through serial cable, and it will be important that RTS is connected (pin 7 on DB25, pin 4 on DB9).

Second, use the **BLUE** RJ12 to DB25M adapter provided to connect the EXISTING RJ-12 connection from your Newsroom system (it should currently be in either P1 or P2 of the EN-470 encoder). If you are wiring your own adapter, the color code should be:

Pin 2: Green	(TD)
Pin 3: Red	(RD)
Pin 7: Yellow	(GND)

This should be connected to the remaining PORT 1 or PORT 2 of the 232PTC that was not used in the first step.

If you choose to use a serial cable DIRECTLY from your Newsroom system to the 232PTC, please be sure that the Newsroom system does NOT set RTS high, or that it is not connected to the 232PTC. The 232PTC is controlled with the RTS line.

Third, use the **RED** RJ12 to DB25M adapter provided to connect the MASTER PORT of the 232PTC. If you are wiring your own, the color code should be:

Pin2: Red	(TD)
Pin3: Green	(RD)
Pin 7: Yellow	(GND)

CAPTION Colorado

Please note that this configuration is DIFFERENT than the one in the second step. This is because the 232PTC is a device pinned for DCE, and not a switch. Therefore this adapter must be pinned as a null-modem cable in order to properly communicate with the captioning encoder.

You should then be able to connect the RED RJ12 adapter to your EN-470 encoder using a 4-wire or 6-wire telephone cord. Be sure that the cord in question is not reverse-pinned. While that may work for telephone sets, it will not work for serial communication unless it is correctly terminated.

Now that this connection is established, the Bison Customer Control Console will use its RTS pin to control the 232PTC to disable your Newsroom system's captioning output while Caption Colorado is providing Realtime captioning.

It is important to note that some manufacturer's PC's serial ports set their Transmit Data pins to the "high" state by default. This can interfere with your newsroom system's connection if the Bison Customer Control Console is not running on the PC, but the PC remains on. We STRONGLY recommend that the PC used for captioning be dedicated solely to running the Bison Customer Control Console, and that it always be either running the application, or that it be turned off.



Caption Colorado Customer Equipment List and Specifications

Equipment List

- 1) IBM-Compatible Computer
- 2) Closed Captioning Encoder
- 3) Audio Coupler
- 4) RJ-11 switch (optional)
- 5) Business Internet connection (w/ fixed routable address)
- 6) 1 direct-dial telephone line plus a switch, or 2 direct-dial telephone lines.

Equipment Specifications

I. Computer

A. Hardware

1. Pentium 350MHz or faster
2. 64 MB RAM minimum (128 MB + Preferred)
3. 2 GB hard drive
4. 2 RS-232 serial ports
 - i. Modem - may be internal (US Robotics 56K preferred)
 - a. Direct phone number for access.
 - ii. Encoder Connection (refer to Cabling Appendix)
5. Hauppauge WinTV Go! Video Card (must be this model)
6. Windows 98 2nd Edition or better
Windows NT 4.0, 2000, XP Pro Preferred
 - i. Always logged on
7. Monitor / Mouse / Keyboard
8. Should be located in production control room near whoever is responsible for captioning.
9. To be used exclusively for closed captioning.

B. Software

1. Caption Colorado's Customer Control Console.
 - i. Always running.
 - ii. Provided by Caption Colorado to all customers.
2. Microsoft Internet Explorer 4.0 or higher.
 - i. Must be able to access:
 - a. <http://www.captcolo.com>
 - b. <http://www.captioncolorado.com>
 - c. <http://captcolo.webex.com>
3. Symantec Norton Anti-Virus 2000 (or equivalent).
4. Hauppauge WinTV drivers -- most current version.
5. Hauppauge WinTV application.

C. No other applications running or installed. Network Configuration

1. Network Adapter w/ TCP/IP protocol installed.
2. Routable IP address
 - i. At least one port (400 to 3000) exposed to outside network access.
 - ii. NAT translation through firewall is acceptable.
 - iii. No Proxy server between PC and Internet.
 - iv. Customer Control Console does **not** have to be in station's internal network.
 - v. If TCP/IP connection to Encoder is used in lieu of serial connection, then both must be in same subnet with no firewall between them.

D. Hardware Connections

1. Telephone POTS (Plain Old Telephone Service) connection to modem.

- i. Must be direct-dial from outside station.
 - ii. May be manually switched to and from Encoder modem port
 - a. See notes in Encoder Section
2. Station broadcast feed (Audio & Video) into WinTV card –baseband or RF.
Must be post-captioning encoder signal

II. Encoder Connections

- A. Serial connection from Customer Control Console PC's RS-232 serial port
 1. Refer to Cabling Appendix for specific information for your encoder.
- B. Control Room video output into encoder video in.
- C. Encoder video output fed to transmission system.
- D. Encoder video output fed to Hauppauge WinTV card's baseband input.
(if not using RF input to WinTV card.)
- E. RJ-11 switch for backup telephone POTS line into encoder modem (if equipped).
 1. May be same line as Customer Control Console's modem if manually switched between it and the encoder. Please refer to technical diagram.
 - i. Example: CablesnMor Telephone Switch
 2. Some encoders have additional requirements for serial and modem connections. Refer to Cabling Appendix for specific information for your encoder.
 3. Please be aware that the Customer Control Console's modem connection is able to receive generic captioner connections and pass them on to the encoder through the serial connection.

III. Audio Connections

- A. Station broadcast feed into an Audio Hybrid Coupler, such as those made by Gentner and Telos.
 1. Coupler should have a direct-dial phone number for outside access.
 2. Encoder should be configured to "auto-answer" incoming calls.
 3. Encoder should be configured to "hang up" the phone line when caller hangs up.
- B. Station broadcast feed into WinTV card's audio input.
(if not using RF input to WinTV card.)

Cabling Appendix

General Notes

Ordinarily the technical director (or someone else in the video control room) will operate the Customer Control Console during the live production event. Therefore it is important to locate the computer running the Customer Control Console in the control room. However, the captioning encoder is often located in a technical operations area outside the control room. This will mean extending the serial connection to the encoder. Since this will mean creating your own cabling link, Caption Colorado has researched the cabling configuration needs for the following encoders:

EEG Encoders

All of the following is available in the "[Support](#)" section of the [EEG Website](#).

The default serial communications parameters for all EEG encoders when shipped from the factory are 1200 baud, odd parity, 7 data bits, 1 stop bit.

EN230, EN270 and EN370 encoders require a NULL MODEM CABLE when communicating with a standard PC interface.

The EN270 Smart Encoder is the only encoder that requires pin 18 on its data port be tied to pin 7 when communicating through the DATA port. You will end up de-activating the internal modem by attaching this data cable. If you decide later to revert to using the internal modem, please be aware that it will not function until the serial cable is removed.

Pin Configuration (EN-270 ONLY) (Pins 7 & 18 on the encoder are tied to activate data port)

		1
		3
		2
		7
		18

Originally EN470 encoders with unmarked cable adaptors required a NULL MODEM CABLE when communicating with a standard PC interface. Starting in September 1997, Model EN470's with cable adaptors marked "2X3" use a STRAIGHT cable.

Link Encoders

All of the following is available in the "[Closed Caption Products](#)" section of the [Link Electronics](#) website.

1. PCE-845

Modem Connection: 9 Pin D wired as DTE (Null Modem)

Computer Connection: 9 Pin D wired as DCE (Straight)

Baud Rate: 1200 Standard, internally selectable: 600 to 4800 baud.

Protocol: 8-bit/no parity, 7-bit/odd parity, 7-bit/even parity

A modem and computer can be connected to the PCE-845 simultaneously to receive local and remote caption data.

2. PDR-885

No internal modem available

Remote By: Two wire terminal block

Modem Connection: 9 Pin D wired as DTE (Null Modem)

Computer Connection: 9 Pin D wired as DCE (Straight)

Baud Rate: Standard 1200, 8,N,1

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Colorado

3. PDP-886-A & PDP-886-D

Optional Internal Modem

Two 9-pin D Sub data inputs RS-232/422 (Selectable internally)

Modem: Two, RJ-11

Protocol: 9600,n,8,1

Baud Rate: 1200, 2400, 4800, & 9600

A front panel DIP switch allows baud rate selections from 1200 to 9600 bps.

4. PDE-890

Standard: RS232C or RS422/485

Connector: 9-pin Subminiature D (2)

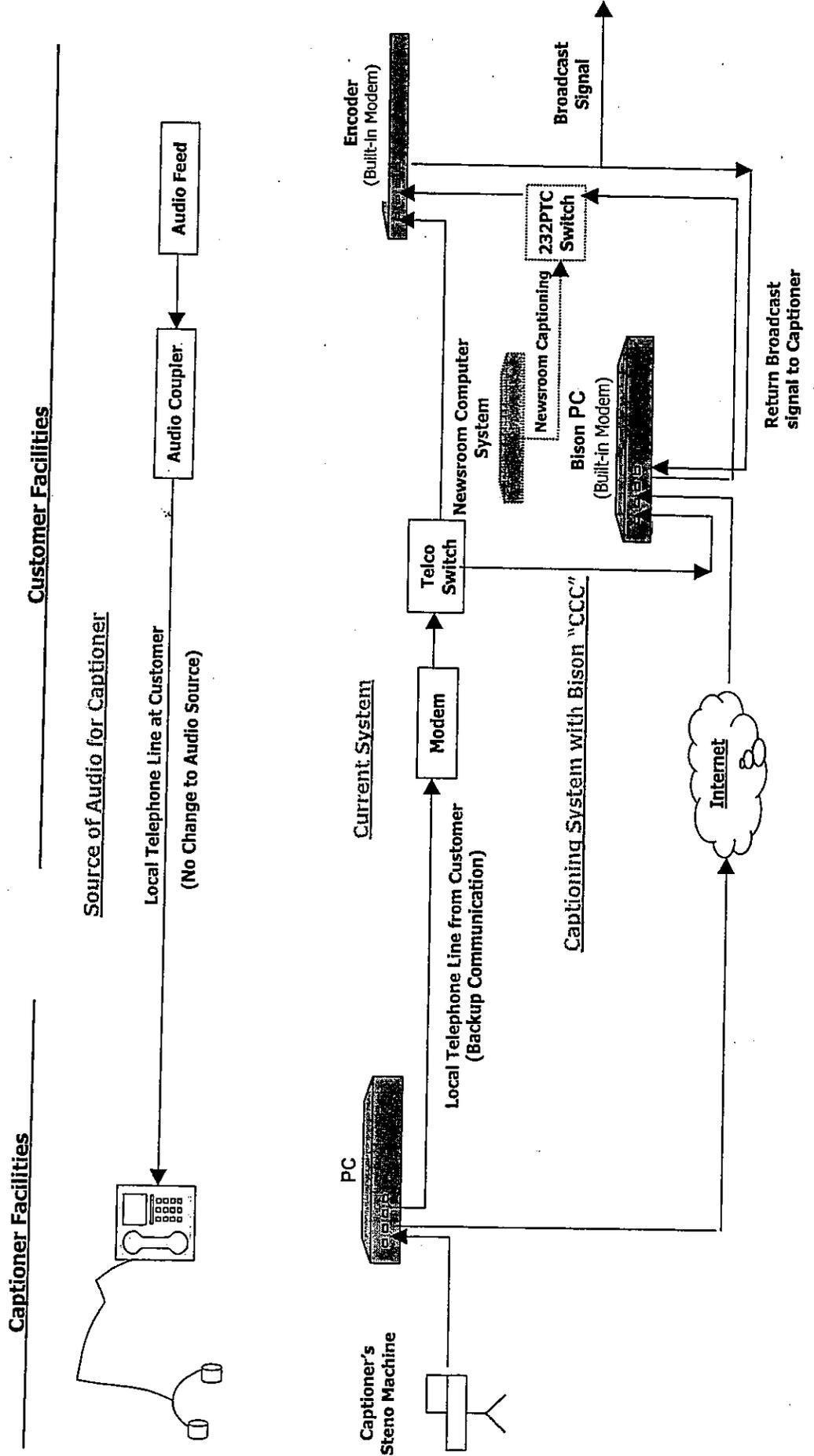
Configuration: MALE = DTE (Null Modem); FEMALE = DCE (Straight)

Baud Rate: Front Panel Selectable, 1200, 2400, 4800 & 9600

Protocol: 8-bit/no parity, 7-bit/odd parity, or 7-bit/even parity

Caption Colorado
Bison Captioning Software System
Customer Control Console
Setup and Installation Instructions

Diagram and Technical Flow Chart



News Broadcast Schedule and News Captioning Schedule

Station: **WTTG** 8
DMA:
Time Zone: **Eastern**

News Broadcast Schedule

- Use Station's Local Time in the Schedule
- In the box for Regular Daily News, insert a "1" in each half hour time block in which Station has a Regular Daily News Broadcast.
- In the box for Local Cut-ins, insert the number of Cut-ins that occur in each half hour time block.

Schedule	Regular Daily News											
	Morning						Mid-Day					
	4:30 AM	5:00 AM	5:30 AM	6:00 AM	6:30 AM	7:00 AM	11:59 AM	12:30 PM	1:00 PM	1:30 PM	2:00 PM	2:30 PM
Weekdays		1	1	1	1	1						1
Saturdays												
Sundays												

Schedule	Evening						Late*					
	4:00 PM	4:30 PM	5:00 PM	5:30 PM	6:00 PM	6:30 PM	8:00 PM	8:30 PM	9:00 PM	9:30 PM	10:00 PM	10:30 PM
Weekdays									1	1		
Saturdays									1	1		
Sundays									1	1		

* In the following boxes, indicate the specific days and the number of days per week the Late News runs 5 minutes past the designated time slot:
Specific Days _____
Number Days/Week _____

Schedule	Local Cut-ins To Morning National News Broadcasts											
	4:00 AM	4:30 AM	5:00 AM	5:30 AM	6:00 AM	6:30 AM	7:00 AM	7:30 AM	8:00 AM	8:30 AM	9:00 AM	9:30 AM
Weekdays												
Saturdays												
Sundays												

Other Weekly, Monthly, Etc. News Programs		Hours Per Month	
Day of Week/Month	Times of Day	Per Month	Per Month
1		0	Minth
2		0	Minth
3		0	Minth
4		0	Minth
5		0	Minth
6		0	Minth

Hours Per Month	
Regular Daily News Broadcasts	Hours Per Month
22 days per month times 5 hours per day =	110 hours per month
4 days per month times 1 hours per day =	4 hours per month
4 days per month times 1 hours per day =	4 hours per month
30 days per month	118 hours per month

Other Weekly, Monthly, Etc. News Programs		Hours Per Month	
Day of Week/Month	Times of Day	Per Month	Per Month
1		0	Minth
2		0	Minth
3		0	Minth
4		0	Minth
5		0	Minth
6		0	Minth
Total		0	Minth

**News Broadcast Schedule
and
News Captioning Schedule**

Station: **WTTG**
DMA: **8**
Time Zone: **Eastern**

News Captioning Schedule

1. Use Station's Local Time in the Schedule
2. In the box for Regular Daily News, insert a "1" in each half hour time block of Station's news to be included in Initial Captioning Schedule.
3. In the box for Local Cut-ins, insert the number of Cut-ins that occur in each half hour time block to be included in Initial Captioning Schedule.

		Regular Daily News																
		Morning						Mid-Day										
Schedule		4:00 AM	4:30 AM	5:00 AM	5:30 AM	6:00 AM	6:30 AM	7:00 AM	7:30 AM	8:00 AM	8:30 AM	9:00 AM	9:30 AM	10:00 AM	11:00 AM	11:30 AM	12:00 PM	1:00 PM
Weekdays				1	1	1	1	1	1	1	1	1	1					
Saturdays																		
Sundays																		

		Evening						Late									
Schedule		4:00 PM	4:30 PM	5:00 PM	5:30 PM	6:00 PM	6:30 PM	7:00 PM	7:30 PM	8:00 PM	8:30 PM	9:00 PM	9:30 PM	10:00 PM	11:00 PM	11:30 PM	12:00 AM
Weekdays														1	1		
Saturdays														1	1		
Sundays														1	1		

* In the following boxes, indicate the specific days and the number of days per week the Late News runs 5 minutes past the designated time slot:

Specific Days	Number Days/Week

Local Cut-ins To Morning National News Broadcasts

Schedule	4:00 AM	4:30 AM	5:00 AM	5:30 AM	6:00 AM	6:30 AM	7:00 AM	7:30 AM	8:00 AM	8:30 AM	9:00 AM
Weekdays											
Saturdays											
Sundays											

Other Weekly, Monthly, Etc. News Programs

Day of Week/Month	Time of Day	Hours Per Month
1		0 Mnth
2		0 Mnth
3		0 Mnth
4		0 Mnth
5		0 Mnth
6		0 Mnth

Hours Per Month

Schedule	Regular Daily News Broadcasts	Local Cut-ins	Total
Weekdays	22 days per month times 4.5 hours per day =		99 hours per month
Saturday	4 days per month times 1 hours per day =		4 hours per month
Sunday	4 days per month times 1 hours per day =		4 hours per month
Total	30 days per month		107 hours per month

Hours Per Month

Day of Week/Month	Time of Day	Hours Per Month
1		0 Mnth
2		0 Mnth
3		0 Mnth
4		0 Mnth
5		0 Mnth
6		0 Mnth
Total		0 Mnth



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

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November 21, 2002

Mr. Jack L. Forsythe
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554
Attn: J. Simpson, Specialist, Room 5C-418

Re: File No. 02-N83459

Dear Mr. Forsythe:

This is in response to your November 12, 2002 letter requesting a response to the complaint of Ms. Cheryl Heppner, Executive Director of the Northern Virginia Resource Center ("NVRC") for Deaf and Hard of Hearing Persons that WTTG did not provide closed captioning of news bulletins regarding sniper attacks that occurred during the first three weeks of October, 2002.

Ms. Heppner is correct that WTTG did not provide closed captioning for the breaking news bulletins on the dates noted in your letter. The reason is that WTTG news management determined that those breaking news bulletins did not contain information advising viewers as to how to respond to the sniper crisis and therefore were not required to be captioned pursuant to the Commission's Rules and Regulations. Consistent with § 79.2 of the Commission's Rules, 47 CFR § 79.2, any news cut-ins that do contain information and/or instructions for viewers as to how to respond to local emergency situations so as to ensure the safety of their lives or property are presented with either open or closed captions.

Moreover, WTTG provides real-time captions for both its three-and-one-half hour morning news program and its daily prime time news hour. This represents a total of four and one half-hours of real-time captioned news programming daily. Both programs contained frequent up-to-date reports about the recent sniper shootings in our metropolitan area. WTTG news management believes that real-time closed captioning better serves its hearing-impaired audience than electronic newsroom captioning equipment (which captions scripts, but not unscripted material).

Regrettably, arranging for live captioning of all of the numerous live news bulletins that were presented daily about the sniper situation would have required greater time and personnel resources than WTTG was capable of bringing to bear. Furthermore, news management was of the opinion that a number of those bulletins in fact did not contain information intended to further the protection of life, health, safety or property of viewers, but merely comprised updates on the situation that would be repeated in WTTG's next regularly-scheduled (real-time captioned) news program. Thus, failure to caption the bulletins would in no way disadvantage hearing-impaired viewers' ability to respond to the current crisis.

Mr. Jack L. Forsythe
November 21, 2002
Page Two

In summary, WTTG is committed to providing all of its viewers with as much information as possible as to how to respond to the current sniper crisis and all other emergency situations facing our community. We recognize and acknowledge that this awesome, and sometimes daunting, responsibility that is central to the public interest obligation of a broadcast licensee. Notwithstanding, it is often necessary to make judgments about what is critical information that will further the protection of life, health, safety and property, as distinguished from factual information that, while relevant to a particular crisis situation, will not necessarily further viewers' ability to protect their own lives and those of family members from danger and therefore is not time-sensitive and can be presented again in captioned format at a later time. WTTG news management made such a judgment regarding the news bulletin about which Ms. Heppner has complained. We appreciate her concern, and we hope that she and her organization's members will find in future that WTTG indeed serves her needs and the needs of her children for essential information about how to deal with all emergency situations facing our community.

Respectfully submitted,

Molly Pauker

cc: Ms. Cheryl Heppner
Executive Director
Northern Virginia Resources Center For Deaf and Hard of Hearing Persons
10363 Democracy Lane
Fairfax, VA 22030

WTTG Public File



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Ms. Jennifer Simpson
Specialist
Consumer Inquiries and Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW, Room 6C-447
Washington, DC 20554

Re: File No. 02-N-72666

Dear Ms. Simpson:

This responds to a letter dated May 13, 2002, to WTTG(TV) about a complaint received by your office that WTTG failed to provide closed captions during a portion of its Ten O'Clock News program between 9:56 and 10:21 pm on April 29, 2002.

Our investigation revealed the following information. During the evening of April 29, the Washington, DC metropolitan area experienced scattered thunderstorms. For a period of time that evening, storm conditions disabled WTTG's main source of electrical power, causing the station to switch automatically to its backup generator. Although this switch occurs without operator intervention, it is accompanied by a power surge. This power surge likely caused WTTG's closed captioning encoder to switch itself off, unbeknownst to station personnel. Closed captioning resumed as soon as station personnel became aware of the situation and corrected the problem.

Live captioning of WTTG's prime time program newscast, provided by the Caption Colorado company, routinely commences at 10 pm, at the top of WTTG's nightly Ten O'Clock News program. At approximately 10:15 pm on April 29, a WTTG technician on duty in Master Control attempted to monitor the captions. It appeared to him that the station was not receiving captioning from Captioning Colorado. He immediately telephoned WTTG's regular captioner in Colorado. She informed him that captioning in fact was being provided and had been provided since the beginning of the newscast at 10 pm. She suggested that he reset the caption encoder. He did so, and the captions began to be transmitted again at about 10:20 pm.

Thus, due to the above-described equipment malfunction, closed captions were not provided for a relatively brief period at the top of the newscast. During this time, WTTG presented several on-location recaps about damage that had been caused by a tornado that had occurred in southern Maryland on April 28, the previous evening. At some time during the final portion of these storm reports, close captioning resumed. WTTG showed emergency telephone numbers in video on screen, including toll-free numbers for the Red Cross and Charles County Sheriff's Department and a number to call to inquire about lost pets throughout this period. More importantly, live weather coverage, including current and predicted local weather reports, resumed later in the newscast, between approximately 10:40 and 10:50 pm, when the station's closed captioning system was again functional.

Ms. Jennifer Simpson
June 5, 2002
Page Two

Unfortunately, we know of no failsafe method to eliminate completely situations in which severe weather conditions or other natural or man-made disasters impair or disable essential broadcast equipment. However, in future, to minimize disruption to closed captions, WTTG will place its closed caption encoder on an uninterruptible power source. This should virtually eliminate situations in which the main transmitter's automatic switchover to its backup generator causes the caption encoder to malfunction. Moreover, Master Control technicians will be instructed to monitor closed captions frequently during threatening weather, so that, if, for some other reason, weather conditions occasion caption encoder malfunction, the situation can be ameliorated as soon as practicably possible.

I trust that the foregoing is responsive to your inquiry. In conclusion, I would like to add that we regret any inconvenience caused to Ms. Edge and any other hearing-impaired viewers as a result of the above-described equipment failure. We are hopeful that the above-described preventive measures will greatly reduce the likelihood of its occurring in the future.

Respectfully submitted,

Molly Pauker

cc: Ms. Diane Edge
14 Bantry Court
Waldorf, MD 20602



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

October 29, 2002

Mr. Jack L. Forsythe
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554
Attn: J. Simpson, Specialist, Room 5C-418

Re: File No. 02-N82314

Dear Mr. Forsythe:

This is in response to your October 9, 2002 letter requesting a response to the complaint of Ms. Marcie Wolf-Hubbard that WTTG did not provide closed captioning of a news bulletin regarding a shooting that aired between 9:30 and 10 am on October 7, 2002.

Ms. Wolf-Hubbard is correct that WTTG did not provide closed captioning for the news bulletin in question. WTTG news management did not believe that that particular report contained information advising viewers as to how to respond to the current ongoing sniper crisis. However, in contrast, any breaking news bulletins containing critical information and/or instructions for viewers as to how to respond to the current dangerous situation so as to ensure the safety of their lives or property are presented with either open or closed captions. Moreover, WTTG provides real-time captions for its three-and-one-half hour morning news program and its daily prime time news hour. Both of these programs contain frequent up-to-date reports about the recent, ongoing sniper shootings in our metropolitan area.

WTTG believes that real-time closed captioning better serves its hearing-impaired audience than electronic newsroom captioning equipment (which captions scripts, but not unscripted material). However, arranging for live captioning of all of the numerous live news bulletins presented daily about the current sniper situation, regrettably, would require greater time and personnel resources than WTTG can bring to bear. Furthermore, a number of these bulletins, in the judgment of WTTG's news management, do not contain information intended to further the protection of life, health, safety or property of our viewers, but rather contain updates on the situation that will be repeated in WTTG's next regularly-scheduled (captioned) news program without disadvantaging hearing-impaired viewers' ability to respond to the current crisis.

In summary, WTTG is committed to providing all of its viewers with as much information as possible as to how to respond to the current sniper crisis and all other emergency situations facing our community. We recognize and acknowledge this awesome, and sometimes daunting, responsibility that is central to the public interest obligation of a broadcast licensee. Notwithstanding, it is often necessary to make judgments about what is critical information that will further the protection of life, health, safety and property, as distinguished from factual information that, while relevant to a particular crisis situation, will not necessarily further viewers'

Mr. Jack L. Forsythe
October 15, 2002
Page Two

ability to protect their own lives and those of family members from danger and therefore is not time-sensitive and can be presented again in captioned format at a later time. WTTG news management made such a judgment regarding the news bulletin about which Ms. Wolf-Hubbard has complained. We appreciate her concern, and we hope that she will find in future that WTTG indeed serves her needs and the needs of her children for essential information about how to deal with all emergency situations facing our community.

Respectfully submitted,

Molly Pauker

cc: Ms. Marcie Wolf-Hubbard
1507 Ballard St.
Silver spring, MD 20910

WTTG Public File



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

June 29, 2004

Ms. Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW, Suite CY-B 523
Washington, DC 20554

Re: File No. 02-N83459

Dear Ms. Contee:

This is in response to your June 7, 2004 letter requesting a response to the complaint of Ms. Cheryl Heppner, Executive Director of the Northern Virginia Resource Center ("NVRC") for Deaf and Hard of Hearing Persons, that (1) WTTG did not provide critical details during an emergency weather situation at about 8:35 pm on Tuesday, May 25, 2004 and (2) WTTG's weather scrolls obscured closed captions for its regular program ("American Idol") between 8:56 and 8:57 pm on that evening.

WTTG's live weather-related news bulletin, or "cut-in," at about 8:35 pm on May 25, 2004 was one of a series of about ten live news bulletins about a severe thunderstorm in progress on that evening. WTTG's special coverage began at approximately 5:35 pm and continued through its Ten O'Clock News program, which is real-time closed captioned. WTTG attempted several times to reach its outside closed captioning contractor so that the audio portion of the live bulletins would be closed captioned, but was unsuccessful each time. WTTG's General Manager complained to the contractor after the fact and received a responsive letter, which is attached hereto as Exhibit 1 (the price term quoted is redacted, to protect proprietary information).

Nevertheless, even without closed captions of the meteorologists' statements, WTTG believed that the cut-ins contained sufficient graphic, visual information so as to render the critical details of the weather emergency accessible to all viewers. Each live weather bulletin, including the one at 8:35 pm to which the complainant refers, consisted of an on-camera meteorologist introducing on-camera Doppler weather radar maps that graphically depicted the progress of the on going storm. The heading at the top of the picture screen above the maps was "Tornado Warning" or "Storm. This heading remained on screen for the duration of the weather bulletin. Not only did the maps illustrate the direction of the storm and pinpoint affected communities, a separate list identifying affected neighborhoods appeared on screen next to the maps. This list included the exact times at which the weather system was expected to touch down in each neighborhood. WTTG News management deemed that these detailed on-screen maps and other graphic information adequately communicated the accompanying audio report of the meteorologist.



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

June 29, 2004

Ms. Martha Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554
Attn: J. Simpson, Specialist, Room 5C-418

Re: File No. 02-N83459

Dear Ms. Contee:

This is in response to your June 7, 2004 letter requesting a response to the complaint of Ms. Cheryl Heppner, Executive Director of the Northern Virginia Resource Center ("NVRC") for Deaf and Hard of Hearing Persons, that (1) WTTG did not provide critical details during an emergency weather situation at about 8:35 pm on Tuesday, May 25, 2004 and (2) WTTG's weather scrolls obscured closed captions for its regular program ("American Idol") between 8:56 and 8:57 pm on that evening.

WTTG's live weather-related news bulletin, or "cut-in," at about 8:35 pm on May 25, 2004 was one of a series of about ten live news bulletins about a severe thunderstorm in progress on that evening. WTTG's special coverage began at approximately 5:35 pm and continued through its Ten O'Clock News program, which is real-time closed captioned. WTTG attempted several times to reach its outside closed captioning contractor so that the audio portion of the live bulletins would be closed captioned, but was unsuccessful each time. WTTG's General Manager complained to the contractor after the fact and received a responsive letter, which is attached hereto as Exhibit 1 (the price term quoted is redacted, to protect proprietary information).

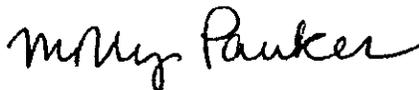
Nevertheless, even without closed captions of the meteorologists' statements, WTTG believed that the cut-ins contained sufficient graphic, visual information so as to render the critical details of the weather emergency accessible to all viewers. Each live weather bulletin, including the one at 8:35 pm to which the complainant refers, consisted of an on-camera meteorologist introducing on-camera Doppler weather radar maps that graphically depicted the progress of the on going storm. The heading at the top of the picture screen above the maps was "Tornado Warning" or "Storm. This heading remained on screen for the duration of the weather bulletin. Not only did the maps illustrate the direction of the storm and pinpoint affected communities, a separate list identifying affected neighborhoods appeared on screen next to the maps. This list included the exact times at which the weather system was expected to touch down in each neighborhood. WTTG News management deemed that these detailed on-screen maps and other graphic information adequately communicated the accompanying audio report of the meteorologist.

The complainant's second complaint makes reference to one of about twenty-five weather-related crawls that WTTG aired in open video during the evening of May 25. Interspersed with WTTG's live bulletins, or cut-ins, the on-screen video alerts supplemented the storm-related information without interrupting regular programming, as the cut-ins did. It is unlikely that any of these weather crawls obscured the closed captions of the regular programming, because, shortly before May 25, WTTG moved all of its on-screen weather crawls to the upper third of the video picture, specifically to avoid interfering with closed captions, which appear in the lower third of the screen. WTTG's review of its programming on that evening indicates that all such weather crawls indeed scrolled across the upper portion of the open picture.

However, in order to emphasize the seriousness of the storm situation, as well as to prevent the weather crawls at the top of the screen from cutting off performers' heads, WTTG intermittently "squeezed" the active picture to the right of the screen and inserted a panel on the left side of the screen with the words "Severe Storms" on it. Until WTTG's technical staff reviewed that night's programming in connection with your inquiry, they were not aware that "squeezing" the active video had the effect of eliminating the closed captions. In future, WTTG will ensure that closed captions are re-inserted into line 21, should it be necessary to "squeeze" the active picture.

In conclusion, in WTTG's judgment, its storm coverage, both via cut-ins and weather crawls, in fact provided accessible critical details of the weather emergency on May 25, 2004. As Exhibit 1 indicates, WTTG expects shortly to receive software from its captioning vendor that will facilitate WTTG's ordering of captioning services in emergency situations. WTTG inadvertently eliminated closed captions from its regular programming during the brief moments when it "squeezed" the active picture in order to highlight the weather situation. Now that WTTG is aware of this, the station will not allow this to occur in the future.

Respectfully submitted,



Molly Pauker

Attachment

cc: Ms. Cheryl Heppner
Executive Director
Northern Virginia Resources Center For Deaf and Hard of Hearing Persons
3951 Pender Drive, Suite 130
Fairfax, VA 22030

Ms. Jennifer Simpson

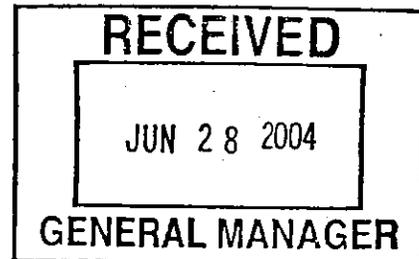
WTTG Public File

CAPTION

Colorado

Leader in Realtime Captioning, Transcription & Translation

Mr. Duffy Dyer
 General Manager
 WTTG-TV
 5151 Wisconsin Avenue NW
 Washington, DC 80016



Dear Duffy,

As promised we have been reviewing our captioning performance for WTTG as it relates to emergency captioning requests. In reviewing the time, date requests shared by Jeff we definitely did struggle in trying to provide WTTG with emergency captioning. In both cases we experienced a large demand for emergency captioning, (created by widespread storms encompassing several markets-plus other breaking news events). We deploy our emergency captioning to stations on a first come, first served basis. Therefore, sometimes when a large demand for emergency captioning coincides with peak captioning periods, we cannot respond as quickly as we would like too. A fact that we would be more than happy to confirm for WTTG with the Federal Communications Commission in support of the station's efforts to get critical information to Washington's deaf and hard of hearing communities. Still, *we apologize* for letting WTTG down.

I assure you that as far as the future is concerned we will make every effort to meet WTTG's needs. We are presently reviewing our scheduling efforts in light of the volume of emergency requests we received this past spring, early summer. Although Caption Colorado has more full-time/part-time captioners than any other captioning company in the United States we are vehemently pursuing several avenues to bring more on-board, in addition to our scheduling evaluations

We ask that our valued clients continue to give us as much lead-time as possible in requesting emergency service. We also urge our stations to utilize our stand-by captioner coverage, (when anticipating emergency coverage during a specific time period-such as storm warning periods). The rate for such coverage on WTTG is \$ [REDACTED] per hour. I've also urged our Tech Department to get our Bison software installed at WTTG ASAP. This

CAPTION

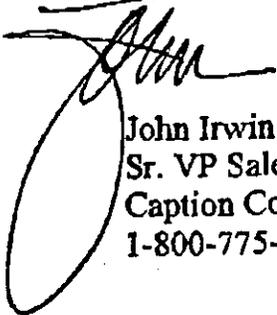
Colorado

Cont.,

software will not only save you money,(we pass along our phone bill savings)but also has an emergency contact feature that will improve response time. In addition, it allows the station to communicate with the captioner when extended coverage is desired.

If I can answer any other questions,or help in any way please let me know. Again, I apologize for not meeting WTTG's expectations. We will strive to be better.

Sincerely,



John Irwin
Sr. VP Sales/Marketing
Caption Colorado
1-800-775-7838

RECEIVED
JUN 28 2004
GENERAL MANAGER



Federal Communications Commission
Washington, D.C. 20554

June 7, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fox Television Stations, Inc.
5151 Wisconsin Ave., N.W.
Washington, D.C. 20015

Re: EB-04-TC-104 (Investigation of the Provision of Local Emergency Information in Accessible Formats)

Dear Licensee:

The Enforcement Bureau ("Bureau") has information suggesting that WTTG-TV ("WTTG") may have failed to make emergency information visually accessible in violation of Section 713 of the Communications Act of 1934, as amended (the "Act"), and Section 79.2 of the Commission's rules.¹ In particular, we have received information alleging that several consumers with hearing loss were unable to learn critical details about the thunderstorm/tornado watch in the Washington, D.C. area on May 25, 2004, because WTTG failed to caption or provide other visual information during their real-time emergency reports. A television station's failure to make programming visually accessible to persons who are deaf and hard-of-hearing may be a violation of Section 79.2 of the Commission's rules, 47 C.F.R. § 79.2.

To assist the Bureau in determining whether enforcement or other action is appropriate in this instance, we direct WTTG, pursuant to sections 4(i), 4(j), 218, and 403 of the Act, 47 U.S.C. §§ 154(i), 154(j), 218, 403, to provide the information and Documents specified herein, within 21 calendar days from the date of this letter.

Instructions

If WTTG requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and Documents, as defined herein, a statement in accordance with Section 0.459 of the Commission's rules, 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of Section 0.459, including the standards of specificity mandated by Section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents

¹ 47 U.S.C. § 713; 47 C.F.R. § 79.2. Section 79.2 of the rules provides, in relevant part, that video programming distributors must make emergency information that is provided in the audio portion of the programming accessible to persons with hearing disabilities, either through closed captioning or by using a method of visual presentation. Methods of visual presentation include, but are not limited to, open captioning, crawls, or scrolls that appear on the screen. *See Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996, Accessibility of Emergency Programming*, MM Docket No. 95-176, Second Report and Order, 15 FCC Rcd 6615, 6618 (2000) ("Closed Captioning Order").

are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

If WTTG withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item, the numbered inquiry to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document not subject to a claim of privilege shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

If a Document responsive to any inquiry made herein existed but is no longer available, or if WTTG is unable for any reason to produce a Document responsive to any inquiry, identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why WTTG is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, WTTG is directed to retain the originals of those Documents for twenty-four (24) months from the date of this letter unless (1) WTTG is directed or informed by the Enforcement Bureau in writing to retain such Documents for some shorter or longer period of time or (2) the Enforcement Bureau and/or the Commission releases any item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, WTTG must retain all such Documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

The specific inquiries made herein are continuing in nature. WTTG is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, WTTG must supplement its responses (a) if WTTG learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to WTTG after the initial production. The requirement to update the record will continue for twenty-four (24) months from the date of this letter unless (1) WTTG is directed or informed by the Enforcement Bureau in writing that WTTG's obligation to update the record will continue for some shorter or longer period of time or (2) the Enforcement Bureau and/or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for

Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

For each Document or statement submitted in response to the inquiries below, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the Document was retrieved. If any Document is not dated, state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). WTTG must identify with reasonable specificity all Documents provided in response to these inquiries.

Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form).

"WTTG" shall include any predecessor-in-interest, successor-in-interest, affiliate, parent company, any wholly or partially owned subsidiary, or other affiliated company(s) or business(es), and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

Inquiries: Documents and Information to be Provided

1. State the time(s) of WTTG's coverage of the May 25, 2004 thunderstorm/tornado watch.
2. State whether all of WTTG's coverage of the thunderstorm/tornado watch (described in response to Question 1 above) provided visual presentation of information provided aurally.
 - a) If no, state the time(s) of coverage during which WTTG did not provide such visual presentation. Explain in detail why WTTG did not present this information in a visual format (*i.e.*, do not simply state that visual presentation was not required without explaining how WTTG arrived at that conclusion); and
 - b) State whether any such visual presentation blocked any closed captioning or whether any closed captioning blocked any such visual presentation.
3. Provide videotape of all programming covering the thunderstorm/tornado watch as broadcast on May 25, 2004, including, but not limited to, programming during which WTTG did not provide visual presentation of information provided in the audio portion. If WTTG did not include visual presentation of information provided aurally on such videotapes, identify where this programming is located on those videotapes. Also identify the location of any blocked information, if WTTG responded "yes" to Question 2(b) above.
4. Explain how WTTG's understanding of the term "emergency information" is consistent with the definition of emergency information set forth in the Commission's *Closed Captioning Order*.
5. Explain in detail and submit all relevant documents regarding WTTG's procedures for handling consumer complaints related to the station's compliance with Section 79.2 of the Commission's Rules. State the number of such complaints WTTG has received (from any source) in reference to the May 25, 2004 thunderstorm/tornado watch. State the number of complaints concerning compliance with Section 79.2 of the Commission's Rules received by WTTG since January 1, 2003, categorized by event (*e.g.*, the number of complaints received regarding WTTG's coverage of Hurricane Isabel).
6. Describe in detail WTTG's procedures for 1) identifying emergency information, as defined in 47 C.F.R. § 79.2(a)(2), and 2) ensuring such information was presented visually prior to and during the May 25, 2004 thunderstorm/tornado watch. Indicate whether WTTG has developed an emergency staffing plan to ensure that the station is not operating with a "skeleton crew" during emergency situations.
7. State whether WTTG uses its own employees or a contractor(s) to provide visual presentation of emergency information. If WTTG uses a contractor(s), provide the currently-effective contract(s).

8. State when WTTG's current broadcast license was renewed and the duration of WTTG's current license term. Provide supporting documentation.

We direct WTTG to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WTTG with personal knowledge of the representations provided in WTTG's response, verifying the truth and accuracy of the information therein and that all of the Documents and information requested by this letter which are in WTTG's possession, custody, control or knowledge have been produced. If multiple WTTG employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of WTTG noted above, provide separate affidavits or declarations of each such individual that identify clearly to which responses the affiant or declarant is attesting. All such declarations provided should comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein. To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

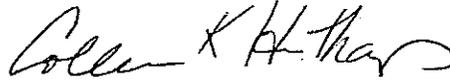
Submit your response on or before June 28, 2004 by hand-delivery to the following address:

Peter G. Wolfe
Senior Attorney, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A262
Washington, D.C. 20554

This delivery should include two (2) hardcopies of your entire response and one (1) electronic response on one or more CD-ROMs. All electronic files should be in either Microsoft Word or Microsoft Excel format. In addition, email your entire response by the due date to the following addresses: Peter.Wolfe@fcc.gov, Mark Stone @fcc.gov.

Direct any questions regarding this investigation to Mr. Wolfe at 202-418-2191.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colleen K. Heitkamp".

Colleen K. Heitkamp
Chief, Telecommunications Consumers Division
Enforcement Bureau

cc: Mark Stone
Deputy Chief, Telecommunications Consumers Division



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

A Unit of Fox Entertainment Group

Molly Pauker

Vice President, Corporate & Legal Affairs

phone: 202 895 3088

fax: 202 895 3222

e mail: mollyp@foxtv.com

May 25, 2004

Ms. Jennifer Simpson
Specialist
Consumer Inquiries and Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW, Room 6C-447
Washington, DC 20554

Re: File No. 04-N02276

Dear Ms. Simpson:

This responds to a letter dated May 12, 2004, about a complaint received by your office that WTTG(TV) failed to provide access to emergency information at 7:35 pm on Sunday, May 2, 2004 during the "King of the Hill" program and that closed captions blocked emergency information contained in an on-screen crawl thereafter.

Our investigation revealed the following information. On May 2, 2004 WTTG did broadcast an unscheduled breaking weather bulletin to inform viewers of the location of severe thunderstorm warnings in the metropolitan area. Due to extremely short notice about the advanced weather system, WTTG was unable to alert its real-time news caption service in time to provide closed captions of the audio portion of the bulletin. WTTG's captioning service is always available for scheduled newscasts, but must be alerted by telephone, should unscheduled captioning services be required for breaking news bulletins during regular programming. Getting a qualified captioner in place can take up to 20 minutes, by which time a breaking weather or other news event may well have passed. As a backup measure, WTTG often attempts to add on-screen textual material containing highlights of the news bulletin, but isn't even time in which to render such material. Indeed, on May 2, as a backup measure, WTTG was able to display maps indicating the location of the impending storm system on screen during the weather alert.

Following the weather-related news bulletin, automated textual crawls were displayed at the bottom of viewers' television screens with updates about the storm system. However, for hearing-impaired viewers, this material may have been obscured by closed captions for the audio portion of the "King of the Hill" program.

WTTG has already undertaken the following remedial measures to minimize the risk of captioning failures such as those that occurred on May 2. While there is no failsafe method to eliminate completely situations in which the rapid onset of breaking news renders it impossible to alert off-site closed caption services in a timely manner, as soon as threatening weather is forecast in the viewing area, WTTG's Weather Center will alert the News Desk, which will immediately put the closed captioning service on notice that its services may be required on short notice at any time. As of May 20, 2004 WTTG's automated weather crawl has been moved to the upper third of the screen during regular programming. Thus, regular program

Ms. Jenifer Simpson
May 25, 2004
Page Two

captions no longer will interfere with critical weather information in the case of viewers utilizing closed captions.

I trust that the foregoing is responsive to your inquiry. In conclusion, I would like to add that we regret any inconvenience caused to Ms. Sanders and any other hearing-impaired viewers during the evening of May 2, 2004. We are hopeful that the above-described preventive measures will greatly reduce the likelihood of similar occurrences in the future.

Respectfully submitted,



Molly Pauker

cc: Ms. Nancy P. Sanders
404 Park St., SE
Vienna, VA 22180
Esanders@erols.com
Jenifer.Simpson@fcc.gov
WTTG Public File



Federal Communications Commission
Washington, D.C. 20554

May 12, 2004

WTTG-TV, Channel 5 (Fox)
5151 Wisconsin Avenue, N.W.,
Washington, DC 20016

Attention: Molly Pauker, Vice President, Corporate and Legal Affairs

**Re: Notice of Informal Complaint (NOIC) --Disabilities Related
FCC No. 04-N92276, Ms. Nancy P. Sanders**

**Lack of Access to Emergency Information in Video Programming
During Recent Bad Weather Situation**

Dear Ms. Pauker:

The Federal Communications Commission (FCC) has received a complaint about lack of access to emergency information in television programming from Ms. Nancy Sanders of Vienna, Virginia. Ms. Sanders alleges specifically:

1. Lack of Access to Emergency Information in Video Programming

On Sunday, May 2, 2004, during program called "King of the Hill," there was an interruption at 7:35 pm with a weather report that showed a weather map. Ms. Sanders asserts she had to guess about where the storm was heading.

2. Blocking of Emergency Information by Closed Captioning

Additionally, shortly before 8 p.m., and several times thereafter, a weather-related scroll appeared on screen but it was obscured by the closed captioning for regularly scheduled programming.

Ms. Sanders asserts that the information provided was likely about a serious weather-related emergency such as a tornado watch but that it could not be ascertained due to lack of visual presentation and to blocking by closed captioning.

The enclosed informal complaint has been filed with the Commission pursuant to Section 305 of the Act, 47 U.S.C. §305, and Section 79.2 et seq. of the Commission's Rules, 47 C.F.R. § 79.2 et seq. Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the complaint should be sent to the complainant at the mailing address indicated below.

We are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in the complaint and summarize the actions taken by your company to satisfy the complaint.

Your company's response to the complaint must be filed with the Commission in writing within thirty days of the date of this Notice. The original of your response should be sent to the Consumer Inquiries & Complaints Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission (FCC), 445 12th Street S.W., Suite CY-B523, Washington, D.C. 20554. Due to heightened security measures undertaken at this agency, and in Washington, D.C., and likely consequent delays in mail handling, a courtesy copy of your response to the FCC should be sent also via Email to Jenifer.Simpson@fcc.gov. Your company is further directed to send a copy of its response to the complainant at the same time the response is forwarded to the Commission.

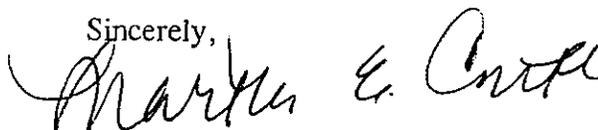
Your company is directed to retain all records which may be relevant to the complaint(s) until final Commission disposition of the complaint.

File Number
FCC No. 04-N92276

Complainant
Ms. Nancy P. Sanders
404 Park Street, S.E.
Vienna, VA 22180
Email esanders@erols.com

Your prompt attention to this complaint is expected.

Sincerely,



Martha E. Contee
Chief, Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau

Attachment

COMPLAINT FOR NANCY P. SANDERS

Complaint Type: Broadcast

Account Type: Residential

Congressional Complaint

IC Number:	04-N92276	Case Type:	Complaint
Date Received:	05/04/2004	Complainant:	Nancy P. Sanders
Date Entered:	05/05/2004	Date Assigned:	05/05/2004
Entered By:	Jenifer Simpson	Date Reassigned:	
Assigned To:	Jenifer Simpson/FCCIN	Service Date:	
		Served By CGB - Jenifer Simpson	
Date Closed:		Response Date:	06/12/2004
Closed By:		Original Analyst:	
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Purged By:	Purged Date:
		Removed By:	Removed Date:

Current Status: Pending Carrier Service

Complaint Summary:

-----Original Message-----; From: Cheryl Heppner [mailto:cheppner@nvrc.org] ; Sent: Tuesday, May 04, 2004 3:12 PM; To: FCCINFO; Cc: Jenifer Simpson; kpsconsulting@starpower.net; Subject: Complaint - 47 C.F.R. - 79.2; The following complaint re: 47 C.F.R. § 79.2 and is submitted on behalf of;; Nancy P Sanders; 404 Park Street SE; Vienna, VA 22180; esanders@erols.com; Complaint Details; Video programming provider: WTTG 5, Washington, DC (Fox); Date situation occurred: Sunday, May 2, 2004; Situation recap: ; During "King of the Hill", the provider, WTTG 5, interrupted the program at 7:35 pm with some type of the weather report. The weather report was not captioned. A weather map was shown but Ms. Sanders could only guess that a line of storms was heading east. No captioning was provided for this weather report. ; Shortly before 8 pm, a weather-related scroll appeared on this program. It was obscured by the closed captions. The scroll appeared several more times, still obscured by the closed captions. ; Information provided by WTTG 5 could not be ascertained due to these difficulties; however there were serious weather-related emergencies throughout the region during this time period, including tornado watches. ; Please let me know if you require further information.; Cheryl A. Heppner, Executive Director; Northern Virginia Resource Center for Deaf and Hard of Hearing Persons; 3951 Pender Drive, Suite 130; Fairfax, VA 22030; cheppner@nvrc.org; www.nvrc.org; Empowering deaf and hard of hearing individuals and their families through education, advocacy and community involvement.

Apparent Carrier(s): WTTG Ch 5 (Fox) Washington DC

Yes<<< Check here if you wish to serve both a Wireline and Wireless carrier.

Problem Number:			
Title: None	First Name: Nancy P.	Middle Initial:	Last Name: Sanders
Contact Name:		Best Time to Call:	
Contact Number: Ext.		Fax Number:	
Email Address: esanders@erols.com		Internet Address:	
PO Box:		Address:	404 Park Street Se
City: Vienna		State: VA	Zip: 22180

On Behalf Of:	
Company Name:	
Party's Name:	Relationship with the Party:
Party's Contact Number: Ext.	PO Box:
	Address:
	City:State:Zip:
Other Party that can be contacted?	
Name:	Relationship:
Contact Number: Ext.	Address:
	City, State: Zip: