



January 14, 2007

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

RE: Notice Of Informal Complaint
Daniel W. Dubay, Complainant
07-WB13477775

Attention: Cheryl J. King, Deputy Chief

Dear Ms. King:

On behalf of Gray Television Licensee, Inc., licensee of television station WILX-TV, Onondaga, MI ("WILX") this letter will respond to the above-referenced Notice of Informal Complaint (NOIC) dated November 27, 2007. Pursuant to a discussion between our FCC counsel, Joan Stewart of Wiley Rein, LLP, and Francine Crawford of your office, WILX was given an extension of time through January 14, 2007 in which to file a response to the NOIC.

The NOIC states that a complaint has been filed against WILX alleging violation of the Commission's rules governing closed captioning, 47 C.F.R. §79.2. Specifically, the complainant alleges that televised tornado advisories provided on the evening of October 18, 2007 by several Lansing-area television stations, including WILX, did not contain closed captioning.

Under Section 305 of the Telecommunications Act and Section 79.2 of the Commission's rules, 47 C.F.R. § 79.2, broadcasters are under an obligation to make emergency information available to persons who are deaf or hard-of-hearing. Emergency information that is provided in the audio portion of the programming must be provided using closed captioning or other methods of visual presentation, such as open captioning, crawls, or scrolls that appear on the screen. Emergency information is defined as information that helps to protect life, health, safety or property. The Commission has expressly stated that licensees may rely on their own good faith judgments in determining whether particular details need to be presented visually and aurally.

WILX understands and takes very seriously the responsibility to provide access to critical details and news information during emergency situations. Providing emergency

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information to all of our viewers, including our hearing impaired viewers, is something WILX has done for years and is committed to continuing.

To that end, WILX contracts with Network Captioning Services, Inc. ("NCS") to provide real-time captioning of its news and information programming, including during breaking news situations.

Given the potential for severe weather on October 18, 2007, WILX contacted NCS at approximately 4:29 pm to request that closed captioning services be provided for weather cut-ins from 5:00 pm through 11:00 pm. NCS subsequently scheduled caption writers to cover that time period for WILX's special weather broadcasts.

The complainant, Mr. Dubay, states that on the evening of October 18, 2007 at 7:20 pm, a friend informed him by phone that central Michigan was under a tornado watch. Mr. Dubay alleges that he tuned to local television stations for more information, but that the station broadcasts contained no closed captioning for approximately 20 minutes thereafter.

WILX did interrupt regularly scheduled programming to provide its viewers with severe weather information at 7:20 pm on October 18, 2007. Just prior, the station and NCS began to experience technical difficulties with real time closed captioning because of storm-related telephone problems. The closed captioning provider was disconnected frequently, and was forced to redial into the station's modem at 7:13 pm, 7:38 pm, 7:44 pm, 7:50 pm and 7:56 pm, at which point closed captioning continued uninterrupted until approximately 8:32 pm. Throughout this period, WILX and NCS were in contact in an attempt to resolve the problem.

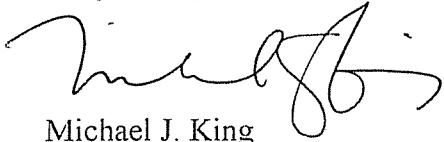
Because of these technical difficulties, however, the severe weather cut-in broadcast by WILX beginning at 7:20 pm did not contain real-time closed captioning for a period of approximately eighteen minutes. During this period, WILX's meteorologist discussed the tornado warnings then in-effect, as well as the projected path of the storms and the areas that would be impacted. Although the real-time closed captioning failed for the period described above, the visual part of the broadcast contained live Doppler weather radar indicating storm cells over a map of the affected area, icons depicting the precise location of any rotations, graphics listing the areas and streets likely to be affected and at what time, a map highlighting those counties under a tornado watch, and an "EchoPath," which depicted the projected path of the storms at listed what communities would be affected at what times.

When captioning resumed, information about tornado warnings then in effect, the specific location of rotations, and details concerning how to seek shelter were provided visually, as they had been in the previous severe weather cut-in from 7:01 pm to 7:05 pm, and again from 7:12 pm through 7:16 pm.

WILX respectfully submits that it disseminated emergency information to its hard of hearing viewers through real time closed captioning throughout the bulk of its severe

weather coverage on October 18, 2007. In light of the technical difficulties WILX experienced during the portion of that coverage cited by Mr. Dubay, we have reviewed with and emphasized to our staff procedures WILX has in place to provide for station-generated text crawls in the event of future closed captioning failures during emergency situations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. King". The signature is fluid and cursive, with a large, stylized initial "M".

Michael J. King
Vice President and General Manager

Cc: Francine Crawford, FCC (via e-mail)
Mr. David Dubay