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February 27, 2023

VIA E-MAIL

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Attn: Mr. Timothy Wynn
Disability Rights Office
Consumer & Governmental Affairs Bureau

Re: WPXI, LLC
FCC Complaint Ticket No. 5992235 ()
Response to Notice of Informal Complaint

Dear Ms. Dortch:

On behalf of WPXI, LLC (“WPXI”), I hereby submit WPXI’s response to the January 26, 2023 letter from the Federal Communications Commission’s Consumer & Governmental Affairs Bureau (the “Letter”).¹ The Letter forwarded a complaint from , which referenced concerns that she had with the closed captions while watching Dateline on WPXI(TV) on January 20, 2023 at 9:00 p.m. Specifically, stated she was unable to follow closed captions included in that particular episode of Dateline. WPXI has conducted a thorough investigation into ’s complaint.² This response, a copy of which is provided directly to , reflects the result of that investigation.

WPXI takes seriously its obligation to provide closed captions in its programs and seeks to resolve viewer concerns and complaints promptly. After receiving the informal complaint, WPXI personnel immediately reviewed the recording of its programming from

¹ *Official Notice of Informal Complaint*, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, WPXI, FCC Complaint Ticket No. 5992235 ().

² See 47 C.F.R. § 79.1(g)(4).



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January 20 and confirmed that the station's programming included captions.³ WPXI staff also contacted the programming provider to help with the investigation and provide insight regarding the captions displayed in the episode mentioned in the complaint.

During their investigation, WPXI personnel learned that Dateline is produced without enough time to embed captions into the program. Therefore, the programming provider uses a live captioning service to provide closed captions.⁴ WPXI analyzed the closed captions included in the January 20th episode and asked the programming provider to do the same. While there was a brief delay in the closed captions because the program is live captioned, the programming provider and WPXI's independent reviews found the program included closed captions that comply with the Commission's rules.⁵ While WPXI does not have control of the live captioning of Dateline, WPXI intends to continue to work with the program provider to ensure closed captions continue to be conveyed in accordance with the Commission's rules.

WPXI takes great pride in serving its subscribers and provides local viewers with closed captioning information that fulfills its obligations under the FCC's rules. As part of its ongoing dialogue with the community, WPXI provides several approaches by which and other viewers can share their questions or concerns about the WPXI closed captioning service. WPXI encourages to contact the station directly about any closed captioning concerns by calling 412-237-1100. Additionally, and other viewers can send an email to CaptioningHotline@wpxi.com, or send a written concern via mail to:

Director of Engineering
WPXI-TV
4145 Evergreen Road
Pittsburgh, PA 15214

A WPXI representative responds to all viewer closed captioning comments or complaints within one business day of receipt.

³ Technical issues have prevented WPXI from obtaining a full copy of the episode. Therefore, concurrently with the submission of this response, WPXI will upload to the FCC's online portal a partial copy of the recording of the episode.

⁴ The Commission's rules acknowledge that there are circumstances that may require real-time or live display captioning for pre-recorded programs. See 47 C.F.R. § 79.1(k)(1)(ii)(C)(1) (noting that a programmer may need to use real-time or live display captioning for prerecorded programming when "a production is completed too close to initial air time").

⁵ See *Closed Captioning of Video Programming*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221, 2249-51, ¶¶ 39-44 (rel. Feb. 24, 2014). The Commission has expressly recognized that live captioning provides "little or no opportunity to edit the captioning for accuracy, synchronicity, program completeness, and placement prior to airing." *Id.* at 2249, ¶ 39.



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If [redacted] has any further questions or concerns, we urge her to contact WPXI directly so its engineers can help to troubleshoot any additional issues [redacted] may be experiencing.

Respectfully submitted,

/s/ Henry H. Wendel

Henry H. Wendel
Belen Crisp

Counsel to WPXI, LLC

Attachment

cc: [redacted] (*via email*)
Ms. Alysia Long (*via e-mail*)