

June 7, 2019

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

Via Email to ShaVonne.Morris@fcc.gov

Attn: ShaVonne Morris

Re: Official Notice of Informal Complaint
FCC Ticket No. 3251860

Dear Ms. Morris:

This firm is counsel to WPTA License, LLC, licensee of Television Station WPTA, Fort Wayne, Indiana (“WPTA” or the “Station”).

This letter responds to the informal complaint submitted to the Federal Communications Commission (“FCC”) by Ms. Jane Snook, pursuant to Sections 713 and 4(i) of the Communications Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1 of the FCC’s Rules, 47 C.F.R. § 79.1. This complaint has been assigned Ticket Number 3251860 by your office (the “Complaint”).

First, WPTA appreciates when its viewers share their concerns about closed captioning; it is important to WPTA that the Station’s programming be accessible to *all* of its viewers. WPTA has no record of having heard from Ms. Snook before she filed her complaint with the Commission, and WPTA invites Ms. Snook to contact the station directly in the future when she has concerns about the closed captioning being provided in programming; that way, Ms. Snook will be able to receive a speedier and more direct response to her concerns.

Second, WPTA values this opportunity to reply to Ms. Snook’s concerns. Ms. Snook’s Complaint appears to have concerns with the closed captioning performance of multiple TV stations in the market. More specifically, the Complaint indicates that

Local TV station on closed captioning and consumer is watching the news and does not have closed captioning - WANE CBS Channel 15 - WPTA Channel 21 ABC --- NBC channel 14 --- WFFT channel 55 - all these channels are really bad on closed captioning - most of

the time they do not post closed caption on some interview - some time goes so slow and other times goes fast that you are unable to read it.

The Complaint identifies multiple stations, and this response from WPTA only addresses the portions of the complaint that relate to WPTA's own performance.

As an initial matter, WPTA observes that the Fort Wayne Designated Market Area (DMA) is not a Top 25 DMA and, thus, no station in the market—including WPTA—is required by the Commission's closed captioning rules to provide live, real-time captioning. *See* 47 C.F.R. § 79.1(e)(3). More importantly, then, WPTA is aware of and makes reasonable, appropriate efforts to meet the expectations of the "enhanced" ENT closed captioning standards set forth in Section 79.1(e)(11) of the Commission's rules. In fact, our interpretation of the Complaint is that Ms. Snook's concerns relate to the Station's enhanced ENT performance. We assure both the Commission and Ms. Snook that WPTA's efforts to "fill in the gaps"¹ are intended to meet the expectations of both the Station's viewers and the Commission. That said, WPTA recognizes that—like most stations across the country—its "enhanced" ENT performance could benefit from greater consistency and effort on a daily and weekly basis. WPTA posits that there is always room for improvement in the newsroom, and such improvement includes efforts relating to the execution of on-screen enhanced ENT presentations. While WPTA believes that its efforts over the past five years have been compliant with Section 79.1 of the Commission's rules, the Station also believes that Ms. Snook's dissatisfaction with WPTA's captioning "gaps" provides a timely opportunity for WPTA to remind relevant newsroom personnel that increased awareness and execution of their enhanced ENT obligations is in order. In short, WPTA hears and cares about Ms. Snook's concerns, WPTA recognizes that there is "always room for improvement," and WPTA has engaged (and will continue to engage) in internal meetings, strategies, and training/retraining to ensure that the "enhanced" portion of the "enhanced ENT" captioning rules remains a primary point of emphasis in WPTA's newsroom.

This letter is being emailed to Ms. Snook at the same time it is being emailed to the Commission's Disability Rights Office, and we wish to reiterate that WPTA welcomes Ms. Snook to contact WPTA's General Manager or News Director at any time to share her thoughts, concerns, and ideas about closed captioning.

This Response is supported by the attached Declaration and Certification of the licensee's General Manager and Declaration of WPTA's News Director, both of which indicate that they have read this letter and that to the best of their knowledge the information is true and correct.

¹ *See Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc.*, Report & Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221 (2014), ¶ 78 ("[W]e expect that the enhanced ENT procedures and the use of visual information, such as crawls on the third lower half of the screen where scripts for ENT are *not* available, will fill many, if not most, of the gaps that current ENT practices often leave.").

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Should you have any further questions regarding the above-referenced Complaint, please do not hesitate to contact the undersigned.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Stephen Hartzell
Counsel to WPTA License, LLC

Enclosures

cc: Theodore Marcus, FCC (via Theodore.Marcus@fcc.gov)
ShaVonne Morris, FCC (via ShaVonne.Morris@fcc.gov)
Ms. Jane Snook (via snooksj@pfw.edu)

DECLARATION AND CERTIFICATION OF LICENSEE

I, Merry Ewing, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Certification. I am the Vice President and General Manager of WPTA. I have held these positions at all relevant times.

2. My signature below indicates, under penalty of perjury, that I have reviewed the Complaint and am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Complaint (the "Response"), and, except for those of which official notice may be taken or those that are supported by references to separate authority, I hereby verify, to the best of my knowledge, information, and belief, the truth and accuracy of the factual information contained therein.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of her personal knowledge.

This, the 7th day of June, 2019.

By:



Merry Ewing
Vice President & General Manager of WPTA

DECLARATION OF JONATHAN SHELLEY

I, Jonathan Shelley, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration. I am the News Director for WPTA. I have held this position at all relevant times.

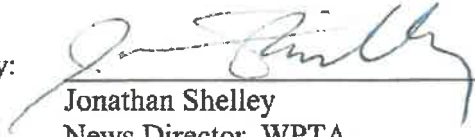
2. My signature below indicates, under penalty of perjury, that I have reviewed the Complaint and am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Complaint (the "Response"), and, except for those of which official notice may be taken or those that are supported by references to separate authority, I hereby verify, to the best of my knowledge, information, and belief, the truth and accuracy of the factual information contained therein.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of her personal knowledge.

This, the 7th day of June, 2019.

By:


Jonathan Shelley
News Director, WPTA