

August 9, 2019

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

*Via Email to Sherita.Kennedy@fcc.gov*

Attn: Sherita Kennedy

Re: Official Notice of Informal Complaint  
FCC Ticket No. 3368333

Dear Ms. Kennedy:

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 Mr. Bob Wilson, 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 33683333 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.

Second, WPTA values this opportunity to reply to Mr. Wilson’s concerns. Mr. Wilson’s Complaint appears to specifically address the closed captioning provided in NBC network programming that airs in the overnight period (the Complaint references 11:35p.m. – 5:30a.m. More specifically, the Complaint indicates that

During the overnight hours from roughly 11:35pm until 5am, there has not been any closed captioning for weeks now. Many emails have been sent to the station but the problem has yet to be corrected.

The issue that Mr. Wilson flagged in his Complaint is a technical one that originated from the station’s network feed. In brief, the issue was a 708 captioning “glitch” that interfered with the presentation of captioning during certain network programming, and the short-term solution

Disability Rights Office  
Consumer & Governmental Affairs Bureau  
August 9, 2019  
Page 2

has been for WPTA to upconvert 608 captions to 708 format, which it has been doing now for a few weeks. WPTA believes that this upconversion (which is a temporary solution and not a permanent one) has resolved the issue for now and that a permanent solution will be implemented soon.

This letter is being emailed to Mr. Wilson at the same time it is being emailed to the Commission's Disability Rights Office. This Response is supported by the attached Declaration and Certification of the licensee's General Manager, which indicates that she has read this letter and that to the best of her knowledge the information is true and correct.

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: Sherita Kennedy, FCC (via [Sherita.Kennedy@fcc.gov](mailto:Sherita.Kennedy@fcc.gov))  
Mr. Bob Wilson (via [beentheredonethat38@gmail.com](mailto:beentheredonethat38@gmail.com))

## **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 9th day of August, 2019.

By:



Merry Ewing

Vice President & General Manager of WPTA