

#6139712 Closed Captioning Issue

Submitted April 3, 2023 at 5:01 PM **Received via** Closed Ticket **Requester** Thomas Mulligan <trans77camino@hotmail.com>

CCs

Ikenna Ofobike <ike.ofobike@fcc.gov>, Timothy Wynn <timothy.wynn@fcc.gov>, Vilma Anderson <vilma.anderson@fcc.gov>, Will Schell <will.schell@fcc.gov>

Status	Type	Priority	Group	Assignee	Ticket status
Open	-	-	DRO - Main Form	-	Open

Complaint Internal Status	Name of TV program	Carrier Serve Due Date	TV Method
Carrier Response Pending	News 4 Tucson at Noon	May 6, 2023	Broadcast (over the air)

Accessibility Issues

Closed Captioning on TV (from a television station or subscription television provider, for example, cable, fiber optic or satellite)

First Name	Last Name	State	Zip Code	Time of Issue	Date of Issue
Thomas	Mulligan	Arizona	85716	12:00 PM	April 3, 2023

Phone (where you can be contacted)	Address 2	City Where Program was Viewed/Heard
520-448-3017	Apt 124	Tucson

City of Company Complaining About	State of Company Complaining About	Preferred Method of Response
Tucson	Arizona	Email

Network	Name of Company Complaining About	Zip Code of Company Complaining About	Call Sign
NBC	KVOA	85705	KVOA

State Where Program was Viewed/Heard	Address 1
Arizona	3041 N Country Club Rd

Phone Number of Company Complaining About	City	Filing on Behalf of Someone	TV Channel (New)
520-792-2270	Tucson	No	4.1

Thomas Mulligan April 3, 2023 at 5:01 PM

This is a follow-up to your previous request [#6004531](#) "Closed Captioning Issue"

Hello FCC and Mr. Wynn,

I am not still satisfied with KVOA's closed captioning on TV after I received the result letter from the counsel firm. I apologize that I did not catch up this email and letter for 30 days because I grieved after my mother was passed away on February 17th. Can you extend to keep opening my complain case for another month, please?

Some statements are in the result letter from the counsel firm that they do not make sense because all KVOA's closed captioning continues to not have the standard quality captions so far. I reviewed to watch KVOA's Tucson local news at Noon today, and it was 30 minutes. I found that some closed captioning has been same problem in the local news, weather, and sports: First, I still confused about it which are pointed paragraphs such as missing ">>>", so KVOA always use often "... " to make me uncomfortable. Second, the captions are blank on the weather once and they seems to not match the audio of weatherman's voices. Third, the outside live video of general news did not show a real live captions, so they are blank completely. I comprehended to read the result letter that KVOA can't afford the cost of voice-to-text captions, so it have to use only ENT which is little bit perfect and I know ENT was typed for the screen on camcorder's lens and the newscast staff read it during the news time. However, ENT is not compatible accommodation for our deaf community. KVOA did not enhance the general closed captioning in the newscast program today.

I strongly dispute your FCC rule to permit all local news over the nation out of the top 25 Nielsen television markets to use ENT captions which is not standard closed captioning. This is serious reason to be not equal for our deaf community in this entire America country, and it does not offer more full access to see the 100 % detailed words and sentences during the ENT. Please change your FCC rules to respect our deaf rights to have a vision of real live captions in all nation cities of local news to be enhanced in the standard closed captioning. Would you provide our best equality to the voice-to-text captions to be similar to CNN, NBC News, and top 25 Nielsen television markets, please?

I will write the letter to Senate and President Biden if you refuse to change your FCC rule for our equality of the deaf community. I suggest them to make a new bill to require the equality of voice-to-text (standard quality closed caption) for all local news over this nation and the FCC or federal should provide the funds for them if they can't afford.

I will send you another email which are new video segments of KVOA newscast in the attachment soon.

Respectfully,

Thomas Mulligan

Sent from Mail<[> for Windows](https://urldefense.proofpoint.com/v2/url?u=https-3A__go.microsoft.com_fwlink_-3FLinkId-3D550986&d=DwIF-g&c=y0h0omCe0jAUGr4gAQ02Fw&r=DE9ErmM0NKrpVuFyWcoKOo3fwwlGdV4oHG44glYf3vY&m=aR2BhmG31AvXoWuHX-vwkW8aW9E0g7u1OANUlpwWxFgj4HQU5IZ5HgOMuUMkgDn8&s=z2bomsssn8h6uORf_6AQhNnc9d9tisqc4CxTOoMtLtY&e=)

From: FCC<mailto:consumercomplaints@fcc.gov>
Sent: Friday, March 3, 2023 7:32 AM
To: Thomas Mulligan<mailto:trans77camino@hotmail.com>
Subject: [FCC Consumer Inquires and Complaints] Re: Closed Captioning Issue

Jada Barnes April 4, 2023 at 8:30 AM

Internal note

DRO needs to review this ticket.

Timothy Wynn April 6, 2023 at 2:04 PM

Internal note

Request [#6140405](#) "Re: [FCC Consumer Inquires and C..." was closed and merged into this request. Last comment in request [#6140405](#):

This is a follow-up to your previous request [#6004531](#) "Closed Captioning Issue"

These new KVOA videos are total 8 on Monday, April 3rd at Noon. I will send you other separated emails due to the space limit.

1st video at 12:02 pm

Sent from my iPhone

On Mar 3, 2023, at 7:32 AM, FCC consumercomplaints@fcc.gov wrote:

Timothy Wynn April 6, 2023 at 2:07 PM

Thomas Mulligan:

Thank you for contacting the Disability Rights Office of the Federal Communications Commission (FCC). We understand you disagree with our rule permitting broadcast network affiliates not in the top 25 Nielsen television markets to use ENT captions. Members of the public who want to comment on issues related to captioning best practices on television may file a comment in the FCC's Electronic Comment Filing System (ECFS), usually by an "express comment." The filing page for express comments is here: <https://www.fcc.gov/ecfs/filings/express>. You should use proceeding numbers 05-231.

Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission

Timothy Wynn April 6, 2023 at 2:12 PM

Internal note

OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that Thomas Mulligan filed with the Disability Rights Office (DRO). This Notice of Informal Complaint (Notice or NOIC) directs your company to follow the instructions below and respond fully and directly to each issue raised in the informal complaint. In your response, please explain how you have addressed the informal complaint. If you need to take steps to satisfy the informal complaint and come into compliance, please summarize your proposed actions and the timeframe for completion. Your response is due no later than thirty (30) days from the date of this Notice.

NOTE: According to 47 CFR s. 79.1(e)(11)(i)(D): "If live interviews , live on-the scene, or breaking news segments are not scripted, stations will supplement them with crawls, textual information, or other means (to the extent technically feasible)."

The informal complaint concerns obligations to provide closed captioning on television. As your company is either the broadcaster or multichannel video programming distributor (MVPD) we are inquiring into this matter pursuant to sections 713 and 4(i) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. §§ 613, 154(i), and section 79.1 of the Commission's rules, 47 CFR § 79.1. If the complaint concerns the quality of the closed captioning, we remind you that closed captions – no matter how they are produced, for example, by the use of the electronic newsroom technique (ENT), where permitted, by a captioning service, or by using automated speech recognition technology – are subject to the FCC's closed captioning quality standards related to accuracy, synchronicity, completeness, and placement. 47 CFR § 79.1(j). If known, please include in your response how the closed captions at issue were produced. To support a response that asserts that the captioning at issue complies with the closed captioning quality rules, please include with your response a recording, such as a DVD or electronic file, of the broadcasted material at issue as it appeared on the date and time in question.

If the programming at issue had been delivered to your company without captions, your company must check with the supplying network or program producer before responding to this Notice to determine whether the programming is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or to an individual petition for exemption filed under 47 CFR §79.1(f). Please note that even if the supplying network or program producer qualifies for a captioning exemption, it still has an obligation to pass through captions of already captioned programs in accordance with 79.1(c).

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. Be sure to verify the complainant's name and the ticket number. In addition, please include the name of a company representative to whom all future correspondence about the complaint should be directed. You are further directed to send a copy of the response to the complainant, in the preferred format requested by the complainant, at the same time the response is provided to the Commission. Finally, please retain all records that are or may be pertinent to the allegations raised in the complaint for one year after the date of this Notice, unless otherwise instructed. We will also inform you if the complainant files additional complaints or provides additional supporting evidence against your company.

Failure to respond to a Commission inquiry is considered a violation of a Commission order and can result in the imposition of fines by the Commission. Under section 503(b) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any of the provisions of the Act, or any rule or order issued by the Commission under the Act, shall be liable for a forfeiture penalty.

The Commission requests that your company provide a thorough response to the issues raised in this complaint, and that it uses its best efforts to resolve this complaint in a timely manner. cursory responses will be rejected. The Commission may make consumer complaint data publicly available in both aggregate and individual form consistent with the Commission's privacy obligations. This data will include how your company has addressed consumer complaints.

If you have any questions regarding this Notice or the informal complaint, please contact Timothy Wynn at Timothy.Wynn@fcc.gov or by calling 202-418-0534 (voice) or DRO's ASL line at 844-432-2275 (videophone). In your message, please include your name, your company's name, the ticket number, and your specific questions. Thank you.

Disability Rights Office
Federal Communications Commission

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