

## #1498459 North Dakota City High Basketball Tournament was not captioned at all.

**Submitted** March 10, 2017, 12:40 PM    **Received via** Web Form    **Requester** Bbillman69 <bbillman69@gmail.com>

**CCs**

Sherita Kennedy <sherita.kennedy@fcc.gov>

**Status** Open    **Type** -    **Priority** -    **Group** DRO - Main Form    **Assignee** Sherita Kennedy

Name of TV program	TV Method	Accessibility Issues	First Name	Last Name	State
ABC	Cable	Closed Captioning on TV	Brian	Billman	North Dakota
Zip Code	Time of Issue	Date of Issue	Phone (where you can be contacted)	TV channel	
58504	7:00 PM	Mar 9	701-516-8584	1017	
City Where Program was Viewed/Heard	Preferred Method of Response	Network	Call Sign		
Bismarck	Email	ABC	WDAY-TV		
State Where Program was Viewed/Heard	Address 1	City	Filing on Behalf of Someone		
North Dakota	6420 Tiffany Dr	Bismarck	No		

**Bbillman69** Mar 10, 12:40 PM

(CTR 384) The Consumer states that when he was tuned into watching North Dakota City High School Basketball Tournament last night and he was disappointed to see that it was not captioned. The lack of captioning continued to the full duration of this program. He has a Samsung 55inches V-HD TV. He subscribes to Bek Communications. The time program of this TV show was from 7pm to 11pm and it was an all-night program actually. The TV Station is WDAY-TV and it is affiliated with ABC. It is also affiliated with KBMY. He already followed up with the Station Manager. The station manager told him that there was not enough money to pay for captioning.

The Consumer wishes for the Station to reexamine the situation and come to resolution on that.

**Sherita Kennedy** Mar 13, 11:05 AM

Internal note

### OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that Brian Billman filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide closed captioning on television. We are investigating 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 C.F.R. § 79.1.

This Notice of Informal Complaint (Notice or NOIC) directs your company, as the Broadcaster or Multichannel Video Programming Distributor (MVPD), to respond fully and directly to each and every material allegation raised in the informal complaint and summarize the actions taken by your company to satisfy the informal complaint and come into compliance with controlling law within thirty (30) days of the date of this Notice.

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. 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 consumer, at the 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.

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 use its best efforts to resolve this complaint in a timely manner. Cursory responses will be rejected. The Commission intends to make consumer complaint data publically available – in both aggregate and individual form yet 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 DRO at [DROcarriersupport@fcc.gov](mailto:DROcarriersupport@fcc.gov) or by calling 202-418-2517. In your message, please include your name, your company's name, the ticket number, and your specific questions.

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