



Federal Communications Commission
Washington, D.C. 20554

September 21, 2006

RECEIVED

SEP 25 2006

THOMAS C. GRIESDORN

WBNS, Channel 10, CBS
Tom Griesdorn, President and General Manager
770 Twin Rivers Drive
Columbus, OH 43215

Attention: Tom Griesdorn, President and General Manager

Re: **Notice of Informal Complaint (NOIC) -- Disabilities Related**
FCC IC No. 06-R147272, [REDACTED]

Dear Mr. Griesdorn:

The Federal Communications Commission (FCC) has received a complaint about accessibility of programming providing emergency information from [REDACTED] of Columbus, Ohio. Specifically, the consumer alleges:

Lack of Accessibility for Persons with Disabilities

[REDACTED] alleges that on Monday, August 28, 2006 he was watching your television station at approximately 6:45pm. He further states that a tornado appeared on the screen with a scroll announcing that individuals in Franklin County were under a tornado warning until 8pm, and should take cover. He said that he followed the instructions. After 8:00pm, he went outside and spoke with neighbors who told him that that the warning did not cover his section of Franklin County, and that he did not need to take cover.

He said that because the station does not provide real-time captioning for its news programming, and the emergency information was incomplete, he felt terrified for his children and family. Afterwards, he felt that he had needlessly panicked. He is also concerned about the next emergency information, and its visual accuracy.

Remedy Requested

Accessibility in video programming of critical details and emergency information that is intended to further the protection of life, health, safety, or property without blocking of closed captioning in regularly scheduled programming.

The enclosed complaint has been filed with the Commission pursuant to Section 305 of the Act, 47 U.S.C. §305, and Section 79.2 (c) of the Commission's Rules, 47 C.F.R. § 79.2 et al. Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the complaint should be sent to the complainant at the mailing address indicated below.

We are forwarding a copy of the complaint record so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in the complaint and summarize the actions taken by your company to satisfy the complaint. Your company's

response to the complaint must be filed with the Commission in writing within **THIRTY days of the date of this Notice.**

The original of your response should be sent to the Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street S.W., Washington, D.C. 20554.

Due to heightened security measures undertaken at this agency, and in Washington, D.C., and likely consequent delays in mail handling, an electronic copy of your response to the FCC should be sent also via Email to Pam.Gregory@FCC.gov. Your company is further directed to send a copy of its response to the complainant at the same time the response is sent to the Commission.

Your company is directed to retain all records which may be relevant to the complaint until final Commission disposition of the complaint.

File Number

FCC IC No. 06-R147272

Complainant

[REDACTED]

[REDACTED]

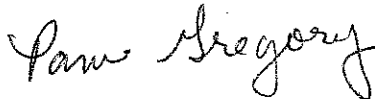
Columbus, OH, 43202

[REDACTED]

[REDACTED]

A resolution for this complaint is expected.

Sincerely,



Pam Gregory
Special Advisor, Disability Rights Office
Consumer & Governmental Affairs Bureau

Enclosure

Pam Gregory

From: Sandralyn Bailey
Sent: Wednesday, September 20, 2006 9:44 AM
To: Pam Gregory
Subject: Closed Captioning Complaint....Please advise -- 06-R147272

Good morning. This came in via FCCINFO. Can you assist? Thanks, s. [REDACTED] wrote on 8/29/2006 1:26:43 PM :

[REDACTED]

NBC, CBS, ABC & Local Weather Channel (Channel 26 on Time Warner)
Monday, August 28th, 2006 approx 6 45 pm
My two kids and I were watching TV when a tornado warning popped up and a screen telling us that Franklin Co. should take cover in the basement or first floor closet, after the screen went down an icon remained on TV with scroll saying tornado warning until 8:00 pm etc. So we took cover and of course I was terrified, we waited for further instructions. After the warning expired and it just became a watch, I saw my neighbors outside and asked them about how scary that was, only to have them laugh at me that it was not in our area. Had it been close captioned we would of understood more about where in Franklin co. this storm was dangerous. My kids and I were terrified while my neighbors could hear what the TV was saying and didn't have to panic. I feel like a fool because of how inconsiderate the news is to the deaf community. We can't very well ignore it next time and am getting tired of this crying wolf game. So any live or disaster coverage is never captioned, we always have to assume.

Sandralyn D. Bailey
Supervisor, Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
*** Non-Public: For Internal Use Only ***



September 25, 2006

[REDACTED]
Columbus, OH 43202

Re: Notice of Informal Complaint — FCC IC No. 06-R147272

Dear Mr. [REDACTED]:

We are writing to acknowledge our receipt of a Notice of Informal Complaint from the Federal Communications Commission, which relates to your email to the FCC on August 28, 2006, regarding WBNS-TV's tornado coverage. Specifically, you sent an email indicating that our tornado warning of August 28 led you to take emergency precautions that ultimately proved unnecessary. We at WBNS-TV take our responsibilities to all of our viewers very seriously, and we will provide you with a copy of our response to the FCC with respect to this matter when it is filed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Tom Grierson'.

Tom Grierson
President & General Manager

cc: Pam Gregory, FCC (via e-mail)

A CBS Affiliate



770 Twin Rivers Drive • P.O. Box 1010 • Columbus, OH 43216-1010 • (614) 460-3700
A Dispatch Broadcast Group Station • An Equal Opportunity Employer

October 16, 2007

BY HAND DELIVERY

Stephen E. Ebner, Acting Chief
Consumer Inquiries & Complaints Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Informal Complaint No. 06-R147272
[REDACTED]

Dear Mr. Ebner:

WBNS-TV hereby responds to a Notice of Informal Complaint ("NOIC") from your office dated September 21, 2006. The NOIC encloses an email from [REDACTED] of Columbus, Ohio, which states that a tornado warning of August 28, 2006, led her to take emergency precautions that ultimately proved unnecessary. The NOIC requests that WBNS address [REDACTED] email and, where appropriate, note any action taken to satisfy her concerns.

[REDACTED], who is hearing impaired, states that she was watching television with her two children on the evening of August 28, 2006, when a tornado warning appeared instructing Franklin County viewers to take cover. Ms. [REDACTED] states that she complied. Ms. [REDACTED] states that, over an hour later, she discovered from a neighbor that the warning had not been for her particular area within Franklin County.

As an initial matter, we wish to emphasize that WBNS welcomes input from hearing impaired and other viewers about our service. As noted below, WBNS is committed to providing the highest level of service, including the provision of accessible emergency information that meets or exceeds applicable legal requirements. But in addition, we are always striving to improve service in response to the needs of our viewership.

WBNS is well-aware of its obligations to provide the critical details of an emergency in an accessible format. Accordingly, WBNS has long adhered to the practice of accompanying the aural announcement of emergency information with the textual and graphic display of that information. Our coverage of the August 28 tornado was no exception: details given aurally were accompanied by the display of visual information.

For instance, each time anchor Jerry Revish informed viewers how to respond to the tornado threat, WBNS displayed a graphic with these instructions in textual form. WBNS changed its display based on whether the anchor was addressing a viewer who was located inside or outside a building: each scenario had its own, full-screen text box. As Revish or anchor Mike Davis discussed the location and path of the storm, WBNS displayed a well-labeled map showing the precise location of the problem area. The map was marked to indicate county lines, as well as nearby towns, so that it was clear where the storm was located. Throughout the entire emergency broadcast, moreover, text at the bottom or top of the screen informed viewers of the nature and duration of the threat, and the counties affected.

In addition to the practices described above, and although WBNS is not a top 25 market station within the meaning of the Federal Communications Commission's rules (and therefore is not required to utilize real-time captioning), WBNS undertook on September 9, 2005, to provide real-time closed captioning during breaking news and special weather reports. Accordingly, WBNS has had a policy for real-time closed captioning of emergency broadcasts in place for over a year. The policy provides that, in the event of a special weather report, the Weather Desk is to notify the Master Control Operator. The Operator in turn is to call our closed captioning provider. To cue the captioning provider, all special reports are to be announced by on-air personnel. According to the express terms of the policy, circulated to all relevant employees, "THESE PROCEDURES ARE CRITICAL, NOT OPTIONAL . . . THE CAPTIONING MUST BE ENACTED ON *EVERY* SPECIAL REPORT."

Despite the clear terms of the policy, the Master Control Operator on duty on August 28 failed to alert our closed caption provider at the time of the storm. WBNS deeply regrets that, in this instance, a breach of established station procedures prevented WBNS from going that extra mile. Nonetheless, WBNS' coverage of the August 28 storm provided viewers with the critical details of the storm in both an aural and a visual format.

Ms. [REDACTED] states that she was watching television when "a tornado warning popped up . . . telling us that Franklin Co[unty] should take cover in the basement or first floor closet." As noted above, WBNS' coverage was far more detailed than this description might suggest. At approximately 6:30 PM, WBNS displayed a tornado warning to Pickaway County only. WBNS subsequently cut to a special weather report, at which time WBNS discussed and displayed the exact location of the storm and instructed Pickaway County viewers to take shelter. Text indicating that Pickaway and (later) Fairfield Counties were affected remained on the screen continuously. WBNS then cut back briefly to the network. Throughout the few minutes of network programming, WBNS continued to display Pickaway and Fairfield County warnings in text at the top of the screen.

WBNS then cut again to a special weather report. Several minutes into that report, changes in weather conditions led WBNS to add Franklin County to the warning list. This was done aurally as well as textually and graphically. Specifically, text at the top and bottom of the screen listed Franklin County as affected. Mike Davis then stated that Franklin County had been added, and WBNS immediately displayed a graphic detailing the exact parts of Franklin County

affected. The graphic consisted of a map of the region clearly identifying the problem area, which was on Franklin County's southern border with Pickaway County. The graphic also labeled nearby towns and county borders. Thus, as Davis informed viewers that the storm was "just a little to the south of Grove City, and south-east of Obetz," a graphic appeared indicating the location of Grove City and Obetz, and the relative location of the storm. The graphic then zoomed in on the storm and showed its exact location relative to the smaller localities of Harrisburg, Commercial Point, and Lockburne.

WBNS firmly believes that it complied with its obligations, pursuant to the FCC's rules, to provide the critical details of the August 28 storm in an accessible format. WBNS is committed to go beyond federal requirements, however, and was accordingly disappointed to learn that its policy of providing real-time closed captioning in weather emergencies was not followed in this particular case. Upon learning of this breach, WBNS took immediate action in response.¹ In addition, out of an abundance of caution and following a careful review of its options, WBNS has determined that it will switch closed captioning providers to help ensure that WBNS' self-imposed, supplementary commitment to its hearing impaired viewers is always met. This new provider is in a position to supply us with faster, more reliable real-time closed captioning in the event of an emergency broadcast.

WBNS takes seriously its responsibilities to all of its viewers. Viewers with hearing disabilities are no exception. We hope that the efforts we have described in this letter reflect our ongoing commitment to contributing to the safety of our viewers, and to provide them with accessible programming.

Sincerely,

Tom Griesdon
President & General Manager

cc: M. Fiorile
J. Johnson
F. Willson
(file)

¹ The Master Control Operator has been officially reprimanded and disciplined through an unpaid suspension.