



1600 WELLS FARGO CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, NC 27601

T 919.839.0300
F 919.839.0304
WWW.BROOKSPIERCE.COM

May 3, 2013

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
Attn: Susan L. Kimmel, Deputy Chief
445 12th Street, S.W.
Washington, D.C. 20554

Via FedEx Delivery

Re: Official Notice of Informal Complaint, dated April 9, 2013
FCC Case No. 13-C00476962-1 (JM) AT&T (Carter)

Dear Ms. Kimmel:

This firm is counsel to Hearst Properties Inc., licensee of Television Station WPBF, Tequesta, Florida ("WPBF").

This letter responds to the informal complaint submitted to the Federal Communications Commission ("FCC") by Ms. Carrie Carter pursuant to Section 713 of the Communications Act, 47 U.S.C. § 613, and Section 79.1 of the FCC's Rules, 47 C.F.R. § 79.1. This complaint has been assigned Case No. 13-C00476962-1 by the Disability Rights Office. WPBF received notice of Ms. Carter's complaint by Official Notice of Informal Complaint dated April 9, 2013, (the "Notice") delivered by U.S. Mail.

Ms. Carter's complaint identifies March 1, 2013, at 2 p.m. as the relevant time and date of the closed captioning issue and goes on to state:

"I was watching General Hospital today and on today's episode, the closed captioning was TERRIBLE. It was much delayed, garbled and unable to identify the right character. This is totally unacceptable that I am unable to follow the dialogue among the characters. This lasted during the whole episode and I was extremely annoyed and upset about the closed captioning."

Upon receiving the Notice, WPBF promptly investigated the situation, reviewed the March 1, 2013, episode of "General Hospital," and found that the closed captioning contained some irregularities, mostly in the nature of delayed display of closed captions. A DVD with a copy of the March 1 episode of *General Hospital* is enclosed with this Response. See Declaration of Clifford Thomas ("Thomas Declaration"), ¶ 3. *General Hospital* is a regularly-scheduled, pre-

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recorded, hour-long daytime drama distributed to WPBF by the ABC Network. See http://en.wikipedia.org/wiki/General_Hospital. As is evident in the DVD recording submitted with this Response, there was closed captioning present throughout the March 1 episode, but it was delayed at times and garbled in a few instances. See Thomas Declaration, ¶ 3.

On April 17, 2013, WPBF contacted the ABC Network, and received confirmation that the closed captioning issues during the March 1 episode of *General Hospital* derived from the Network. See Thomas Declaration, ¶ 3. More specifically, this is what an ABC representative told WPBF:

“Yes, I can confirm there was a network-distributed problem with closed captions during General Hospital on 3/1/13 but we do not know what the cause was. Your description is accurate during portions of the program. The issue was cleared prior to conclusion.”

A copy of the email correspondence between WPBF and the ABC Network is attached to the Thomas Declaration.

In light of the information provided herein, WPBF respectfully requests that the complaint against it be dismissed.

This Response is supported by the Declaration of Clifford Thomas, Chief Engineer for WPBF, and the Certification of Caroline Taplett, President and General Manager of WPBF, who has indicated that she has reviewed this letter in her capacity as an officer of the licensee and that to the best of her knowledge and belief the information herein 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 Hearst Properties Inc.

Enclosures

cc: Susan L. Kimmel, FCC (via email)
Judy Miller, FCC (via email)
Ms. Carrie Carter (via email: MsCLCarter@yahoo.com)

CERTIFICATION OF LICENSEE

I, Caroline Taplett, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Certification. I am President and General Manager of Hearst Properties Inc., licensee of WPBF, Tequesta, Florida. I have held these positions at all relevant times.

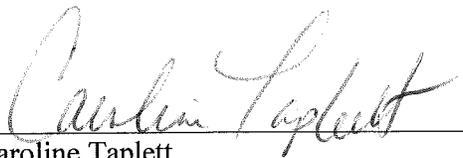
2. My signature below indicates, under penalty of perjury, that I have reviewed the Official Notice of Informal Complaint dated April 9, 2013 ("Notice"), and I am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the best of my knowledge, information, and belief, I hereby verify the truth and accuracy of the information contained therein. To the extent that I do not have personal knowledge of any relevant facts, I am relying on the statements made in the Declaration of Clifford Thomas, which I have reviewed and with which I am familiar.

[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 3rd day of May, 2013.

By:

A handwritten signature in cursive script, reading "Caroline Taplett", written over a horizontal line.

Caroline Taplett
President and General Manager, WPBF

DECLARATION OF CLIFFORD THOMAS

I, Cliff Thomas, 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 Chief Engineer for WPBF, Tequesta, Florida ("WPBF"). I have held this position at all relevant times.

2. I have reviewed the Official Notice of Informal Complaint dated April 9, 2013 ("Notice"), and I am familiar with its contents. I submit this Declaration in support of WPBF's Response to the Notice. I have personal knowledge of all matters discussed in this Declaration. I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the extent set forth below, I hereby verify the truth and accuracy of the information contained therein.

3. After receiving the Notice, I reviewed the March 1 episode of *General Hospital*, and I found imperfections in the closed captioning provided by the ABC Network—there were more significant delays than usual in the display of the captioning, and some of the letters and words were garbled. I contacted the ABC Network and confirmed that the issue was a problem stemming from the ABC Network. A copy of the email correspondence on this topic between me and an ABC representative is attached to this Declaration. A copy of the March 1 episode of *General Hospital*, which was recorded to DVD for this Response, is enclosed.

4. It is a high priority for WPBF to ensure that closed captioning functions properly at the station so that all viewers have access to the station's programming. In the event Ms. Carter experiences closed captioning issues in the future, we hope she will contact us directly so that we may be of more timely assistance to her.

[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 3rd day of May, 2013.

By: 
Clifford Thomas
Chief Engineer, WPBF

April 17, 2013, Email Correspondence
Between WPBF and ABC Network

From: Teeter, Dave A. [<mailto:Dave.A.Teeter@abc.com>]
Sent: Wednesday, April 17, 2013 3:55 PM
To: Thomas, Clifford
Cc: Faubell, Martin; Larish, Russ R; Beckford, Ren T.
Subject: RE: Closed Captioning Problem on General Hospital

Clifford,

Yes, I can confirm there was a network-distributed problem with closed captions during General Hospital on 3/1/13 but we do not know what the cause was. Your description is accurate during portions of the program. The issue was cleared prior to conclusion.

Regards,

Dave Teeter



ABC BO&E Telecommunications
212-456-3483
dave.a.teeter@abc.com

From: Thomas, Clifford [<mailto:ccthomas@hearst.com>]
Sent: Wednesday, April 17, 2013 11:21 AM
To: Teeter, Dave A.
Cc: Faubell, Martin; Larish, Russ R
Subject: Closed Captioning Problem on General Hospital

Dave,

We received a complaint about closed captioning on the episode of General Hospital that aired on March 1st 2013.

I pulled our aircheck and found that the captioning was over 20 seconds late and had numerous data errors in it. These problems were not in the previous show or the internal spots with captioning. I also looked at another ABC station in our group and found the same errors at the same exact times.

Please look into this on your end and let me know what your investigation discovers. This will help me to respond more accurately to the complaint.

Clifford Thomas
Chief Engineer
WPBF Television