



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

T 919.839.0300  
F 919.839.0304  
WWW.BROOKSPIERCE.COM

December 12, 2013

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

*Via Hand Delivery*

Re: Official Notice of Informal Complaints, dated November 13, 2013  
FCC Case Nos. 13-C00531172-1-JM, 13-C00531649-1-JM,  
13-C00533093-1-JM, 13-C00533095-1-JM, 13-C00533098-1-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 complaints 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. These complaints have been assigned Case Nos. 13-C00531172-1-JM, 13-C00531649-1-JM, 13-C00533093-1-JM, 13-C00533095-1-JM, and 13-C00533098-1-JM by the Disability Rights Office. WPBF received notice of Ms. Carter’s complaints by Official Notice of Informal Complaint dated November 13, 2013 (the “Notice”), delivered by U.S. Mail and received by WPBF on or around November 25, 2013.

Ms. Carter’s complaints identify five episodes of the program “*General Hospital*”<sup>1</sup> from September and October 2013 in which she experienced a delay in the presentation of closed captions while watching WPBF via AT&T U-verse, which is Ms. Carter’s multichannel video programming distributor.

Upon receiving the Notice, WPBF promptly investigated the situation and reviewed the five episodes of *General Hospital* as recorded internally by WPBF. In their review of the closed captioning of the five episodes specified by Ms. Carter, WPBF determined that the closed captioning delay was approximately one-to-two seconds, which is, in WPBF’s experience, normal for a pre-recorded program. See Declaration of Clifford Thomas (“Thomas

---

<sup>1</sup> *General Hospital* is a regularly-scheduled, pre-recorded, hour-long daytime drama distributed to WPBF by the ABC Network. See [http://en.wikipedia.org/wiki/General\\_Hospital](http://en.wikipedia.org/wiki/General_Hospital).

Declaration”), ¶ 3. Nonetheless, because Ms. Carter’s complaints suggest a longer delay, WPBF continued to investigate, located a WPBF employee whose home is served by AT&T U-verse, and reviewed a current episode of *General Hospital* recorded from AT&T U-verse; again, however, WPBF found a one-to-two second delay in the presentation of closed captions. WPBF also communicated about the issue with a technical contact at AT&T U-verse, and that person advised that AT&T U-verse did not see any delay in the captioning on WPBF. See Thomas Declaration, ¶ 3.

Subsequently, during the week of December 2, 2013, WPBF attempted to contact Ms. Carter to gather more information about her experience with delayed closed captioning. WPBF discussed the issues with Ms. Carter via TRS on December 10, and she confirmed that the delay she is experiencing is significantly longer (approximately 20 seconds) than the delay WPBF sees on its recordings. See Thomas Declaration, ¶ 3. WPBF encouraged Ms. Carter to contact AT&T U-verse because she reported that she had not yet done so. Following the phone call with Ms. Carter, WPBF also reported the issue to AT&T U-verse in writing using its closed captioning contact information and requested that AT&T U-verse contact Ms. Carter. See Thomas Declaration, ¶ 3. WPBF stands ready, willing, and able to assist AT&T U-verse in any manner it can to help locate the point in the distribution system that is causing the closed captions on Ms. Carter’s television to experience the delay—to that end, WPBF’s Chief Engineer told Ms. Carter that he would be happy to speak to an AT&T U-verse technician about the situation if one comes to her home to try to diagnose the issue. See Thomas Declaration, ¶ 3.

Finally, WPBF’s Chief Engineer invited Ms. Carter to contact the station whenever she experiences closed captioning delays in *General Hospital* (or any other WPBF program) so that station personnel can help determine the source of the issue. See Thomas Declaration, ¶ 4. In light of the information provided herein, WPBF respectfully requests that no further action be taken because it does not appear that WPBF is the source of the delay.

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,



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.

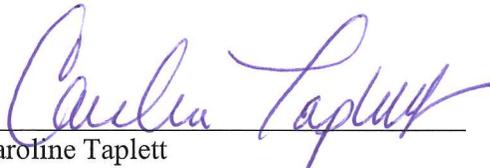
2. My signature below indicates, under penalty of perjury, that I have reviewed the Official Notice of Informal Complaints dated November 13, 2013 (“Notice”), and I am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the 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 12<sup>th</sup> day of December, 2013.

By:

  
\_\_\_\_\_  
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 Complaints dated November 13, 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 an internal recording of the five episodes of *General Hospital* identified by Ms. Carter, and I found the delay in the display of closed captions to be on the order of one-to-two seconds, which is pretty typical for a pre-recorded program. A similar delay was revealed in a more recent episode of *General Hospital* that a WPBF employee recorded from AT&T U-verse. I tried to contact Ms. Carter during the week of December 2, and I spoke with her via TRS on December 10. During our discussion, Ms. Carter estimated that the delay she sees in the closed captioning in *General Hospital* is around 20 seconds. I encouraged Ms. Carter to contact AT&T U-verse about the issue and told her that I would be happy to talk to an AT&T technician if one visits her home to diagnose the issue. In an effort to help identify and resolve the closed captioning delay WPBF has communicated with AT&T U-verse twice since receiving the Notice. The first time, one of my engineering staff spoke with a U-verse staffer on the distribution side, and he reported that they were not seeing any delay in captioning. After I spoke with Ms. Carter on December 10, 2013, I also sent an email to the address identified in AT&T U-verse's closed captioning contact information to explain the issue and encourage AT&T to contact Ms. Carter.

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. When I spoke with her on December 10, 2013, I gave her contact information to use to reach WPBF directly when she experiences closed captioning problems while watching our channel.

**[signature appears on following page]**

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 12<sup>th</sup> day of December, 2013.

By:



Clifford Thomas  
Chief Engineer, WPBF