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PARTNER AND SPECIAL COUNSEL

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KENNETH M. BRIM (1898-1974)
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HUBERT HUMPHREY (1928-2003)
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230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WRITER'S DIRECT DIAL

January 27, 2012

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
Attn: Susan L. Kimmel, Deputy Chief
9300 E. Hampton Drive
Capitol Heights, MD 20743

Via Overnight Delivery

Re: Notice of Informal Complaint
FCC File No. 11-C00349489 (SK)
(McGovern) (WPBF-TV)

Dear Ms. Kimmel:

This firm is counsel to WPBF-TV Company, licensee of Television Station WPBF, Tequesta, Florida ("WPBF" or the "Station"). This letter responds to the informal complaint submitted to the Federal Communications Commission ("FCC") by Ms. Susan McGovern 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 File No. 11-C00349489 (SK) by your office.

WPBF received notice of Ms. McGovern's concerns¹ by Notice of Informal Complaint dated December 21, 2011, from the FCC's Consumer & Governmental Affairs Bureau's

¹ As discussed below, WPBF became aware of Ms. McGovern's concerns in late November 2011. At that time, Station staff discussed them with her and subsequently followed up with Comcast to ensure the issue was resolved.

Disability Rights Office (the "Notice").² By email dated January 13, 2012, from you to the undersigned, an extension of time to file this response was graciously granted through and including January 31, 2012; thus, this response is timely filed.

The Notice states:

"The consumer stated she needs the closed captioning because she is going deaf. The programs' closed captioning is scrambled. It seems to happen over the weekends. She feels that whoever is supposed to be overseeing the closed captioning. It appears to be one channel and they get that one channel fixed and then when she changes to another channel, it happens on another. The two channels mentioned above, 10 and 12 seem to be the worst. According to the consumer, it is as though they have an 8th grade student programming the closed captioning. Every other letter is scrambled."

The Notice identifies Comcast as the source of television programming used by Ms. McGovern. WPBF is sympathetic to Ms. McGovern's frustration over the closed captioning situation, and, as discussed more fully below, WPBF worked on behalf of Ms. McGovern and other consumers to encourage Comcast to remove and replace a faulty piece of equipment that is believed to have been the root cause of the scrambled closed captioning.

In late November 2011, WPBF heard from at least four different Comcast subscribers who were experiencing issues with garbled captioning when watching WPBF's standard definition (SD) channel on Comcast.³ *See* Declaration of Russ Larish ("Larish Declaration"), ¶ 3. Ms. McGovern was among the viewers that contacted WPBF on or around November 28, 2011, and Jay Darden, WPBF's Technical Operations Supervisor, spoke with Ms. McGovern and explained that the source of the problem had been diagnosed as a piece of Comcast's equipment. *See* Declaration of Jay Darden ("Darden Declaration"), ¶ 3. Comcast uses a separate encoder for each of the feeds of the local television stations, which is why it was and is possible for closed captions to be garbled on some but not all other local channels on the same cable system. *See* Darden Declaration, ¶ 3; Larish Declaration, ¶ 3. In this instance, only the captioning on WPBF's SD feed was affected; the closed captioning on WPBF's HD feed was unaffected. As a result, when WPBF staff communicated with viewers, they suggested that viewers tune into

² Pursuant to the directive in the Notice, correspondence acknowledging the Station's receipt of the Complaint was sent via email and First Class U.S. Mail to Ms. McGovern.

³ WPBF notes that, in situations like this, there are numerous points along the program distribution chain that are potential causes of garbled captions, including Station hardware and software, network hardware and software, cable system hardware and software, and the viewer's home equipment (television tuner, remote control, cable box for any sets hooked up to cable, digital converter box for any sets receiving television over-the-air). *See* Larish Declaration, ¶ 3.

WPBF's HD channel on the Comcast cable system when possible. *See* Darden Declaration, ¶ 3; Larish Declaration, ¶ 3.

WPBF takes all closed captioning issues very seriously (in fact, in April 2011, WPBF was a sponsor of Deaf Awareness Day event organized by the Florida Association of the Deaf, and Mr. Larish gave a presentation about television closed captioning at the event, *see* Larish Declaration, ¶ 4), and Station personnel are sensitive to the importance of providing consistent closed captioning service for viewers. Thus, as soon as WPBF heard about garbled captions from viewers in late November, the Station immediately investigated the issue and determined, as noted above, that the source of the problem was a Comcast encoder. It is important to understand, however, that WPBF's approach to such issues is not merely to "pass the buck" by telling viewers that it is not a Station problem. Instead, WPBF's routine practice in such circumstances is to also contact the cable system to alert the operator to the issue and ensure that it is resolved. *See* Larish Declaration, ¶ 3. In late November, unfortunately, it took an extraordinary effort by WPBF's staff to get the cable system's attention and assurances that the problem would be resolved. *See* Larish Declaration, ¶ 3 ("My recollection is that Jay Darden, as well as our Chief Engineer and General Manager, made multiple calls and/or sent multiple emails to the cable system to ensure that the system was treating the situation with the urgency it warranted."). In the end, though, WPBF's persistence resulted in the cable system's replacement of the faulty encoder. *See* Darden Declaration, ¶ 4; Larish Declaration, ¶ 3. During the period that the captions were garbled, one viewer even emailed WPBF to say "Thanks for your great assistance in persuading the Comcast Cable Co. to fix the matter" Larish Declaration, ¶ 3.

The facts demonstrate that the closed captioning issue arose through no action or inaction of WPBF but rather by a combination of a technical failure and conduct of a third-party (i.e., the cable system) beyond WPBF's control. The facts also show that WPBF was responsive to Ms. McGovern's inquiry as well as the contemporaneous inquiries of other viewers and that WPBF was conscientious in bringing about a resolution. Consequently, we believe that no further action is warranted by the Commission at this time.

This response is supported by the Declaration of Russell Larish, Director of Operations/Production for WPBF, the Declaration of Jay Darden, Technical Operations Supervisor for WPBF, and the Declaration and Certification of Caroline Taplett, President and General Manager of the Station. The signature of the Licensee's officer in the Declaration and Certification of Caroline Taplett attached hereto indicates that she has read this letter response and that to the best of her knowledge the information contained in this letter is true and correct.

Susan L. Kimmel, Deputy Chief
January 27, 2012
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Should you have any further questions regarding the above-referenced Notice of Informal Complaint, please do not hesitate to contact the undersigned.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in black ink, appearing to read 'S. Hartzell', written over a horizontal line.

Stephen Hartzell
Counsel to WPBF-TV Company

Enclosures

cc: Ms. Susan McGovern (via email and First Class U.S. Mail)
Sherita Kennedy, FCC (via email)
Susan L. Kimmel, FCC (via email)

DECLARATION AND CERTIFICATION OF CAROLINE TAPLETT

1. My name is Caroline Taplett. I am over the age of eighteen, and I am competent to testify to the matters set forth in this Certification and Declaration. Unless and except as specifically stated otherwise, I have personal knowledge of all the facts stated herein.

2. I am and have been at all relevant times the President and General Manager for Television Station WPBF, Tequesta, Florida. I have reviewed the Notice of Informal Complaint dated December 21, 2011 ("Notice"), and I am familiar with its contents. I have also 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. I am an officer of the Licensee of WPBF, and my signature below certifies, under the penalty of perjury, that I have read the foregoing letter and that to the best of my knowledge, information, and belief the information contained in the letter is true and correct. To the extent that I was not personally involved in particular aspects of the investigation and diagnosis of the relevant closed captioning issues, I am relying on the statements made in the Declarations of Russell Larish and Jay Darden, both of 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 27th day of January, 2012.

A handwritten signature in cursive script, reading "Caroline Taplett". The signature is written in black ink and is positioned above a horizontal line.

Caroline Taplett
President & General Manager of WPBF

DECLARATION OF RUSSELL LARISH

1. My name is Russell Larish. I am over the age of eighteen, and I am competent to testify to the matters set forth in this Declaration. Unless and except as specifically stated otherwise, I have personal knowledge of all the facts stated herein. I have reviewed the December 21, 2011, Notice of Informal Complaint (“Notice”), and I am familiar with its contents. I have also 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.

2. I am and have been at all relevant times the Director of Operations/Production for Television Station WPBF, Tequesta, Florida. As such, my duties include, among other things, overseeing and participating in the diagnosis of and efforts to address any closed captioning issues that arise. Other members of the Station’s technical and engineering staff, including Jay Darden, Technical Operations Supervisor for WPBF, often assist with such diagnosis and resolution. My duties also include engaging with and responding to viewers who express concerns about the Station’s closed captioning.

3. In late November 2011, WPBF heard from four viewers—all of whom were, at that time, subscribers to Comcast’s cable system—raising an issue with garbling or scrambling in the Station’s closed captioning. I investigated and found that the Station’s closed captioning was intact and legible when leaving the Station but that it was showing as garbled on the Standard Definition (SD) feed of WPBF’s channel on Comcast’s cable system. (In situations like this, there are numerous points along the program distribution chain that are potential causes of garbled captions, including Station hardware and software, network hardware and software, cable system hardware and software, and the viewer’s home equipment (television tuner, remote

control, cable box for any sets hooked up to cable, digital converter box for any sets receiving television over-the-air).) In contrast, the closed captioning was not garbled on the HD feed of WPBF's channel on the same cable system. This situation was made possible by the fact that separate encoders are used by Comcast for each of WPBF's feeds, and, in this instance, only our SD feed was affected by the malfunctioning encoder unit. Thus, when I communicated with viewers about this issue, I advised them that the closed captioning on WPBF's HD channel on Comcast was not garbled, and I also encouraged them to contact Comcast. When we determine that the source of a closed captioning issue is traceable to a third party, such as a cable system, WPBF's protocol is not to merely advise viewers that they should contact the cable system; instead, WPBF staff also contact the cable system (or other third party) to ensure that the issue will be diagnosed and resolved. And that is precisely what we did in late November 2011. My recollection is that Jay Darden, as well as our Chief Engineer and General Manager, made multiple calls and/or sent multiple emails to the cable system to ensure that the situation was being treated with the urgency it warranted. Ultimately, of course, Comcast did replace the faulty encoder. During this period, one viewer followed up with me to say "Thanks for your great assistance in persuading the Comcast Cable Co. to fix the matter"

4. WPBF takes very seriously its closed captioning obligations and service to the public, and WPBF strives to achieve a high level of satisfaction for all its viewers. In April 2011, the Station sponsored a Deaf Awareness Day event organized by the Florida Association of the Deaf, at which I made a presentation relating to closed captioning. It is a high priority for WPBF to address closed captioning issues brought to our attention by viewers. When those issues involve, as they did here, a cable system, it is Station policy to work cooperatively with viewers and the cable system in an effort to troubleshoot and address those issues. I believe we

were responsive and diligent in addressing and resolving the closed captioning issues that led to the Notice.

[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 27th day of January, 2012.



Russell Larish
Director of Operations/Production, WPBF

DECLARATION OF JAY DARDEN

1. My name is Jay Darden. I am over the age of eighteen, and I am competent to testify to the matters set forth in this Declaration. Unless and except as specifically stated otherwise, I have personal knowledge of all the facts stated herein. I have reviewed the December 21, 2011, Notice of Informal Complaint ("Notice"), and I am familiar with its contents. I have also 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.

2. I am and have been at all relevant times the Technical Operations Supervisor for Television Station WPBF, Tequesta, Florida. As such, my duties include, among other things, participating in the diagnosis of and efforts to address closed captioning issues. I also respond to viewers who express concerns about the Station's closed captioning.

3. In late November 2011, WPBF heard from four Comcast subscribers, including Ms. Susan McGovern, advising us that WPBF's closed captioning was scrambled on the SD channel on Comcast. On or around November 28, 2011, I spoke with Ms. McGovern via telephone, and I explained that the source of the garbling was the encoder being used by Comcast for our SD feed. On this system, Comcast uses a separate encoder for each station's feed, and, as a result, WPBF's HD channel did not have a closed captioning problem even though WPBF's SD channel was experiencing problems. Thus, I advised Ms. McGovern that, if she had access to WPBF's HD channel on Comcast, she could watch the Station there with intact closed captions.

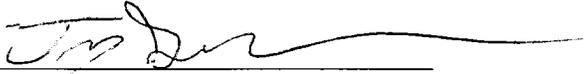
4. Upon learning of the scrambled closed captions, we investigated the issue in late November 2011. Once we determined that it was the Comcast encoder, we began contacting

Comcast personnel to address the situation. I made multiple inquiries by phone and/or email to Comcast in an effort to resolve the problem, and on December 1, 2011, I learned that Comcast was scheduling to replace the faulty equipment on December 5, 2011.

[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 27th day of January, 2012.

A handwritten signature in black ink, appearing to read "Jay Darden", written over a horizontal line.

Jay Darden
Technical Operations Supervisor, WPBF

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

December 21, 2011

In reply refer to case number: 11-C00349489 (SK)
(McGovern) (WPBF-TV)

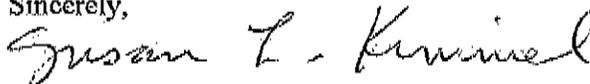
THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint 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 each complaint and summarize the actions taken by your company to satisfy the complaint.

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Sherita.Kennedy@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Sherita Kennedy at (202) 418-0287 or Sherita.Kennedy@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office/CGB

Attachment(s)
K:613/79.1

User Complaint Key: 11-C00349489-1

Form 2000C – Disability Access Complaint

Consumer's Information:First Name: **Susan** Last Name: **McGovern**

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Post Office Box Number:

(Official Post Office box Number Only)

Address 1: **600 Lindell Blvd., Apt. 101 B**

Address 2:

Mailing Address (where mail is delivered)

City: **Delray Beach** State: **FL** Zip Code: **33444**Telephone Number (Residential or Business): **Phone:(561) 445 - 4535**E-mail Address: **mgv@bellsouth.net**

Are you filing information on behalf of another party, such as client, parent, spouse or roommate?:

N

If yes, complete items a through h.

- a. Your relationship with the party:
- b. The party's first name:
- c. The party's last name:
- d. The party's daytime phone number:
- e. The party's street address or post office box number:
- f. City: State: Zip Code:
- g. E-mail address:
- h. Fax Number:

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant: , **Telephone Voice** ,

User Complaint Key: 11-C00349489-1

Form 2000C – Disability Access Complaint

*** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT ***

1. Check the appropriate box for your type of complaint:

Closed Captioning

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: **Comcast (www.comcast.com)**City: **Boca Raton** State: **FL** Zip Code: **33487**Telephone number: **Phone:(561) 266 - 2278**

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy) :
and any details of when the event or action you are complaining about occurred:

5. If your complaint is about access to emergency information on television, provide the following information:

a. Television station call sign and network name (if applicable), or channel name
(e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):

b. Channel (e.g., "13"):

c. Station or subscription TV provider system location:

City: County:

State:

d. Date(s) and time(s) of emergency:

e. Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the the areas in which the emergency occurred):

6. If your complaint is about closed captioning, provide the following:

a. Television station call sign and network name (if applicable), or channel name
(e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):**WPBF (ABC), WPEC**b. Channel (e.g., "13"): **10 and 12**

c. Station or subscription TV provider system location:

City: **West Palm Beach** County: **Palm Beach**State: **FL**

User Complaint Key: 11-C00349489-1

Form 2000C – Disability Access Complaint***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

- d. If you pay to receive television programming, type of subscription service (e.g., cable, Satellite): **cable**
- e. If you pay to receive television programming, name of the company to whom you subscribe: **Comcast**
- f. Name of program(s) involved: **All programming, 24/7 every day.**

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complainant either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made: **CTR 277: The consumer stated she needs the closed captioning because she is going deaf. The programs' closed captioning is scrambled. It seems to happen over the weekends. She feels that whoever is supposed to be overseeing the closed captioning. It appears to be one channel and they get that one channel fixed and then when she changes to another channel, it happens on another. The two channels mentioned above, 10 and 12 seem to be the worst. According to the consumer, it is as though they have an 8th grade student programming the closed captioning. Every other letter is scrambled.**

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to fccinfo@fcc.gov, by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission
 Consumer & Governmental Affairs Bureau
 Consumer Complaints
 445 12th Street, SW
 Washington, D.C. 20554

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve disability access. The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PER, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

User Complaint Key: 11-C00349489-1

Form 2000C – Disability Access Complaint***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060 - 0874.

In addition, the information that consumers provide when filling out FCC Form 2000 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CGB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a company, the complaint is forwarded to the defendant who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice is available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).