

From: FCC <consumercomplaints@fcc.gov>  
Sent: Tuesday, July 03, 2018 9:08 AM  
To: Ferkingstad, Julie; Liguori, Sheri  
Subject: Serve ticket#: 2365653 Last Name: Morris Sr

##- Please type your reply above this line -##

Due Date: 08/02/2018

Serve Date: 07/03/2018

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Link to Ticket: <https://fcctest.zendesk.com/agent/tickets/2365653>

Subject: closed captioning cut off when a commercial begins

Tags: broadcast\_tv carrier\_response\_pending dro\_noic\_79\_1 dro\_serve\_done interference\_tv  
no\_contacted\_company no\_filing\_on\_behalf other other\_customer trigger\_direct\_to\_dro\_for\_review  
tv\_interference\_other washington

Email: captainjimsr1@att.net

Method: - Broadcast (over the air)

Issue:- Interference

Number subject to complaint:

Company Name:

Other Company Name: All broadcast companies as well as all carriers of any type as well.

Account #: n/a

First: James C

Last: Morris Sr

Address: 7857 E. Grapeview Loop Road

Address 2:

City: Allyn

State: washington

Zip: 98524

Phone where to be contacted: 360-801-5013

Filing on Behalf of Someone: No

Relationship:

First Name:

Last Name:

Serve Status: carrier\_response\_pending

Ticket Information:

Judy Miller (FCC Complaints)

Jul 3, 12:06 PM EDT

Private note

#### OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that James C Morris Sr 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).

NOTE: The FCC's closed captioning quality rules at 47 CFR § 79.1(j)(3) says, in part:

“. . . When applying such [close captioning quality] standards to live and near-live programming, the Commission will also take into account, on a case-by-case basis, the following factors:

“ . . .

“(iii) Completeness. The delays inherent in sending captioning transmissions on live programs, and whether steps have been taken, to the extent technically feasible, to minimize the lag between the time a program's audio is heard and the time that captions appear, so that captions are not cut off when the program transitions to a commercial or a subsequent program.”

The Report and Order (FCC 14-12) that adopted this rule says that captions cutting off when a live program moves to a commercial break or another program is problematic and suggests ways that broadcasters and closed captioning service providers may be able to minimize this. See Closed Captioning of Video Programming; Telecommunications for the

Deaf and Hard of Hearing, Inc. Petition

for Rulemaking, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221, 2252, para. 45 (2014) (Closed Captioning Quality Order). In the Further Notice of Proposed Rulemaking section of that Report and Order, the Commission seeks comments on those and other suggestions, and whether and how the Commission's closed captioning quality rules can be modified to better achieve this result. See Closed Captioning Quality Order, 29 FCC Rcd at 2296-97, para. 132.

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. 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. To prepare your response to this Notice, you should also check the ticket at <https://consumercomplaints.fcc.gov/access> where the complainant may have filed additional complaints or other supporting evidence against your company. These supplemental materials will be associated with the same ticket number.

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.

Captainjimsr1

Apr 24, 10:10 AM EDT

Specifically, I will refer to KCPQ channel 13 News which I watch every day Monday through Friday. They not only omit anything not displayed when a commercial starts because obviously, the captioneer cannot post until they say it, so when they cut to show a commercial, they literally stop captioning for anything said but not yet displayed. Also, they speak fast some times and the captioning flashed at a speed that is impossible to read in the sequence.

You are erroring in making me name a specific channel or station, because this is a national problem. I have watched TV in literally many dozens of locals in the country, in my 75 years, and with few exceptions, the captioning abruptly is terminated when a commercial starts. The captioning should continue to at least complete a sentence when the commercial starts. A new, or re-emphasized guideline order should be transmitted to all stations. A failure to do so is discrimination against the deaf or hearing impaired.

From: FCC <[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)>

To: Captainjimsr1 <[captainjimsr1@att.net](mailto:captainjimsr1@att.net)>

Sent: Tuesday, April 24, 2018 4:38 AM

Subject: [FCC Complaints] Re: closed captioning cut off when a commercial begins

#yiv9956473077 table td {border-collapse:collapse;}#yiv9956473077 body .filtered99999  
.yiv9956473077directional\_text\_wrapper {direction:rtl;unicode-bidi:embed;}

Judy Miller (FCC Complaints)

Apr 24, 7:38 AM EDT

Good Morning,

This is a follow up to an email sent to you on April 13th. Please reply by April 29th or the matter will be considered resolved. Thank you.

Judy Miller

Disability Rights Office

Judy Miller (FCC Complaints)

Apr 13, 2:53 PM EDT

Good Afternoon -

Thank you for filing your complaint with the Federal Communications Commission (FCC) regarding closed captions.

FCC rules for TV closed captioning ensure that viewers who are deaf and hard of hearing have full access to programming, address captioning quality and provide guidance to video programming distributors and programmers. The rules apply to all television programming with captions, requiring that captions be:

§ Accurate: Captions must match the spoken words in the dialogue and convey background noises and other sounds to the fullest extent possible.

§ Synchronous: Captions must coincide with their corresponding spoken words and sounds to the greatest extent possible and must be displayed on the screen at a speed that can be read by viewers.

§ Complete: Captions must run from the beginning to the end of the program to the fullest extent possible.

§ Properly placed: Captions should not block other important visual content on the screen, overlap one another or run off the edge of the video screen.

The rules distinguish between pre-recorded, live, and near-live programming and explain how the standards apply to each type of programming, recognizing the greater hurdles involved with captioning live and near-live programming.

(The FCC does not regulate captioning of home videos, DVDs or video games.)

<https://www.fcc.gov/consumers/guides/closed-captioning-television>

In order to further process your complaint, we need additional information from you.

1 - Name of the channel(s) and/ or network (s) that you were watching

2 - Name of the program(s)

3 - Date and time that you were viewing the program(s)

Once we have this information, we can proceed.

Thank you

Judy Miller

Disability Rights Office

Captainjimsr1

Apr 10, 12:10 PM EDT

Captain jim sr 1 was not signed in when this comment was submitted. Learn more:

Everywhere I have lived or traveled in the US, I experience the same problem. I have a large hearing loss, therefore closed captioning is the main way I am able to gain news and other important reporting on various subject matters. The problem is always the same. As soon as a commercial begins, closed captioning is terminated with much voice communication missing to complete sentences. It in no way would detract from an advertisers message if the sentence were completed on top of their commercial, since only those like myself who have hearing problems have closed captions enabled. This is not a minor problem, since our society is rapidly aging and hearing loss of one degree or another exists for many, if not most, elders. There are often important details included in the ending words of broadcast dialog that the hearing impaired miss entirely due to this practice of a complete dropping of dialog when a commercial begins. I feel this is discrimination against the hearing impaired, and as such, should be a major concern for correction as soon as possible.

You are an agent. Add a comment by replying to this email or view ticket in Zendesk Support.

Ticket #2365653

Status Open



Requester

Captain jim sr1

CCs

FCC

Consumer Help Center

Group KCPQ

(DRO)

Assignee

-

Priority

-

Type Ticket Channel Web Form

This email is a service from FCC Complaints.

[VOZ7XP-28MZ]Ticket-Id:2365653Account-Subdomain:fcctest

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