



WREG-TV/DT

803 CHANNEL 3 DR.
MEMPHIS, TN 38103
901-543-2333

February 20, 2009

Ms. Cheryl J. King
Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 Twelfth Street S.W.
Washington, D.C. 20554

Re: WREG-TV, Memphis, Tennessee
Facility Identification Number 66174
FCC File Number: 08-C00078575-FC
Dish Network & WREG-TV (Jordan)
Response to Notice of Informal Complaint

Dear Ms. King:

Local TV Tennessee License, LLC ("Local TV"), licensee of WREG-TV, Memphis, Tennessee, recently received a Notice of Informal Complaint from the Federal Communications Commission's Consumer & Governmental Affairs Bureau dated January 16, 2009, attaching a complaint from Ms. Linda Jordan regarding her inability to receive WREG-TV's closed captioning from DISH Network.¹

Local TV has thoroughly investigated this matter and has confirmed that WREG-TV's over-the-air signal contains all necessary closed captioning. It appears, however, that DISH Network's equipment did not always pass through WREG-TV's captions. Local TV has worked with DISH Network and Ms. Jordan to resolve this problem. Local TV believes that DISH Network has isolated the problem and made significant progress towards solving it. Indeed, by the date of this letter, DISH Network may have fixed the malfunctioning component. Nevertheless, because the problem lies entirely within DISH Network's plant, Local TV cannot confirm whether DISH Network has solved the problem or what steps DISH Network took to do so.

I. Background

Local TV first became aware of the closed captioning problem on December 15, 2008, when Ms. Jordan telephoned the station. She complained that WREG-TV's captions were garbled or disappeared entirely during certain programming. The problem occurred most

¹ *Notice of Informal Complaint*, from Cheryl J. King, Deputy Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to WREG-TV, File No. 08-C00078575-FC Dish Network & WREG-TV (Jordan) (Jan. 16, 2009). Local TV notes that under Section 79.1(g) of the Commission's rules, Ms. Jordan's complaint should be dismissed as premature. As explained herein, Ms. Jordan first complained to Local TV about the closed captioning on December 15, 2008. Under the version of Section 79.1(g) of the Commission's rules that was in effect at the time, Local TV has 45 days from the end of the fourth quarter to respond, and Ms. Jordan may file a complaint with the Commission only after that 45-day deadline passes. See 47 C.F.R. § 79.1(g)(4) (2007).

on your side

frequently during CBS Network programming. WREG-TV's Acting Chief Engineer, Bobby Allen, investigated the matter and confirmed that the station's captioning equipment was working properly and that the station was properly passing through all CBS Network captions on its over-the-air analog and digital broadcasts. In other words, the station fully complied with the FCC's captioning requirements.

Mr. Allen therefore began corresponding with Ms. Jordan to determine the source of the captioning problem on her television set. He learned that she receives WREG-TV's signal not over-the-air but through the pay television service operated by DISH Network. Because WREG-TV's broadcasts were captioned properly, Mr. Allen became convinced that the problem was on DISH Network's end. Hoping to resolve the problem for Ms. Jordan and potentially other affected customers of DISH Network, Mr. Allen forwarded Ms. Jordan's complaints to his engineering contacts at DISH Network and requested that they investigate the matter. An engineer from DISH Network visited WREG-TV on January 13, 2009 to gather more information about WREG-TV's captioning system. Throughout this time, WREG-TV's captioning continued to function normally.

After the January 13, 2009 visit, neither Mr. Allen nor anyone else at Local TV was actively involved in DISH Network's internal troubleshooting. Nevertheless, through Ms. Jordan, we have learned that DISH Network has isolated the problem and was working toward a permanent solution. Local TV does not know any further details about how or whether DISH Network resolved the problem.

II. The Captioning Problem Was Isolated to DISH Network Subscribers.

Throughout this time, WREG-TV's captioning equipment worked properly and it continues to work properly. Moreover, WREG-TV has not received any similar closed captioning complaints from over-the-air viewers or from customers of local cable systems. Finally, after receiving the complaint from the Commission, I personally turned on the closed captioning feature on my television set at home and watched WREG-TV through my subscription to Comcast cable. At all times when I was watching, WREG-TV's captioning worked properly.

III. Conclusion.

Local TV believes it has done everything in its power to help Ms. Jordan, but resolving this matter is outside of Local TV's control. Local TV takes pride in serving every member of the local community, including the hearing impaired community. If Ms. Jordan has any further problems, I invite her to contact me or Bobby Allen directly. If the Commission has any further questions or concerns about this matter, please do not hesitate to contact our counsel.

Respectfully submitted,



Ronald A. Walter
President & General Manager



WREG-TV/DT
803 CHANNEL 3 DR.
MEMPHIS, TN 38103
901-543-2333

Affidavit of Bobby D. Allen, Jr.

My name is Bobby D. Allen, Jr., and I hereby declare under the penalty of perjury that the following is true to the best of my knowledge:

1. I am the Acting Chief Engineer at WREG-TV.
2. I first became aware of the closed captioning problem on December 15, 2008, when Ms. Jordan telephoned the station. She complained that WREG-TV's captions were garbled or disappeared entirely during certain programming. The problem occurred most frequently during CBS Network programming.
3. I investigated the matter and confirmed that the station's captioning equipment was working properly and that the station was properly passing through all CBS Network captions on its over-the-air analog and digital broadcasts.
4. I therefore began corresponding with Ms. Jordan to determine the source of the captioning problem on her television set. I learned that she receives WREG-TV's signal not over-the-air but through the pay television service operated by DISH Network. Because WREG-TV's broadcasts were captioned properly, I became convinced that the problem was on DISH Network's end.
5. Hoping to resolve the problem for Ms. Jordan and potentially other affected customers of DISH Network, I forwarded Ms. Jordan's complaints to my engineering contacts at DISH Network and requested that they investigate the matter.
6. An engineer from DISH Network visited WREG-TV on January 13, 2009 to gather more information about WREG-TV's captioning system. Throughout this time, WREG-TV's captioning continued to function normally.
7. After the January 13, 2009 visit, I was not actively involved in DISH Network's internal troubleshooting. Nevertheless, through Ms. Jordan, I learned that DISH Network has isolated the problem and was working toward a permanent solution. I do not know any further details about how or whether DISH Network resolved the problem.

on your side

Date: February 20, 2009


Bobby D. Allen, Jr.

Allen, Bobby

From: linda jordan [lljordan2@bellsouth.net]
Sent: Thursday, December 18, 2008 1:36 PM
To: Allen, Bobby
Subject: CBS closed captioning

Per my telephone conversation Monday, 12-15-08, with Tiffany McElveen, she stated I should hear from you by Wednesday, 12-17-08. in regards to being told by Dish Network that CBS Network had a problem with Closed Captioning in certain areas.

As of this date and time, I have received no response from you as to what you found out in dealing with the CBS Network.

As I explained to Ms. McElveen, all correspondence in regards to this matter is to be via email, as my husband is deaf and does not answer the phone and I am in and out of my office during the work day.

I anxiously await your findings in regards to this matter

Respectfully,
Linda L. Jordan

LJNDA L JORDAN
11 CR 510
COMO, MS 38619

DATE: 12-22-08

TO: Mr. Bobby D. Allen, Jr.
Broadcast Engineering
WREG-TV – Memphis, Tn.

REF: Your E-mail of 12-20-08 at 4:18 P.M.

Mr. Allen,

Thank you for the response to my e-mail regarding the closed caption problem with Dish Network and your closed caption transmissions

I have found two other Dish customers here in my neighborhood who are not hearing impaired but were kind enough to use the closed caption option on your channel and they have the same problem. They were not aware of a problem as they are not hearing impaired as my husband and do not watch in closed caption mode.

In as much as you seem to be able to get thru to Dish Engineering and all of my attempts have been fruitless. I have attached their own representatives service orders showing that the technicians saw the problem but could not repair. Both service technicians stated to me they had made Dish aware of the problem. I have also attached my dated notes since 12-10-08 stating what I have been told.

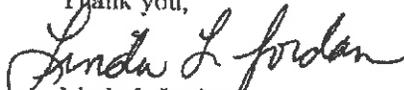
If the engineer you are dealing with wants to call the other two customers they are as follows:

Mr. & Mrs. Mike Murphy
662-526-5908

Mr. & Mrs. Keith Meals
662-526-9556

If your email means any EVENING, you can set up a conference call any evening this week at 8:00 p.m. We will be leaving town on Saturday the 27th and will not return until January 6th, 2009.

Thank you,


Linda L Jordan



SERVICE AGREEMENT

Contact Information
Rocking R - Lincolnton, GA
Sales 1-888-308-6520 - Service: 1-800-308-5537 Ext. 504

Work Order# 38619256400014011
Scheduled Date 12/6/2008

CUSTOMER INFORMATION		TIME IN:	TIME OUT:
Name: <u>Billy/ Linda Jordan</u>	Home Phone# <u>662-526-5250</u>		
Address: <u>11/ County Road 510</u>	Other Phone# <u>662-236-6306</u>		
City: <u>Como</u>	State: <u>MS</u> Zip: <u>38619</u>	CSG Acct#	

DESCRIPTION OF SERVICES PERFORMED

() NC () DISH MOVER () SC () UPGRADE () TC () REINSTALL LOC. OF RECEIVER(S) INSTALLED: LR TV ON CH () MBR TV ON CH. ()
 BR #2 TV ON CH () BR #3 TV ON CH () OTHER RM. TV ON CH. () PH. LINE CONNECTED () YES () NO LOCATION OF DISH MOUNT :
 SYSTEM PASSED CHECK SWITCH TEST AND DIAGNOSTICS TEST, SW CURRENT, ALL PROG. PRESENT, CUST. EDUCATED ON HOW TO USE SYSTEM.

(SPECIAL NOTES BELOW): * ~~ALL~~ TV's w/ 625 ish 4 Receiv. my Closed Captions *
 * All TV's aren't receiving Closed Captions
 Note: Unable to fix the Closed Caption Problem.
 WILDBLUE EQUIPMENT ON * WREG (ch. 3) *

SIGNAL STRENGTHS: 119-14	119-15	119-16	119-21	NEW TRIA#	MODERN#
(C 3 digit CODE) 110-14	110-15	110-16	110-21	OLD TRIA#	MODERN#

RECEIVERS INSTALLED - RECEIVED				DELIVERED EQUIPMENT			
DELIVERED	INSTALLED	DELIVERED	INSTALLED		DP	LEG	DISH PRO PLUS
Model _____	Model _____	Model _____	Model _____	DISH			
Serial # _____	Serial # _____	Serial # _____	Serial # _____	MAST			
CA # _____	CA # _____	CA # _____	CA # _____	ARM			
SC # _____	SC # _____	SC # _____	SC # _____	SINGLE			
Model _____	Model _____	Model _____	Model _____	DUAL			
Serial # _____	Serial # _____	Serial # _____	Serial # _____	TWIN			
CA # _____	CA # _____	CA # _____	CA # _____	QUAD			
SC # _____	SC # _____	SC # _____	SC # _____	1K2			
				EA LNB			
				DPP33			
				34/44			

I acknowledge and agree to be bound by the terms and conditions of the Residential Customer Agreement set forth on the reverse of this page. Initials _____

I acknowledge and agree to be bound by the terms and conditions on the 24 Month Programming Commitment set forth in Section 6 of the reverse page. Initials _____

have been presented and understand the benefits of Surge Protection and choose to waive this option. Initials _____

I confirm that the requested work could not be completed, on date shown below, due to no line of sight or the necessity to purchase additional equipment.
 Customer Signature _____ Date _____

Claims regarding property damage are to be immediately reported by calling 1-800-308-5537. Claims made after 30 days from installation date will not be accepted. Initials _____

I confirm that the work listed above has been completed in a satisfactory manner on the date showed below and that the equipment is in good working order. I agree to the terms outlined on the reverse side of this Service Agreement. If I rent my residence, I acknowledge that all authorizations have been obtained to perform the work needed to install the satellite system.
 Customer Signature _____ Date _____

RETURNED EQUIPMENT			
	DP	LEG	DISH PRO PLUS
SINGLE			
DUAL			
TWIN			
QUAD			
EA LNB			
DPP33			
34/44			

I acknowledge that all work associated with Service Agreement has been completed in a manner that satisfies Dish Network standards as well as NEC and local codes.

Technician's Signature _____
 Date 12/6/2008

Comar



SERVICE AGREEMENT

Work Order# _____

Contact Information
Rocking R - Lincolnton, GA

Scheduled Date _____

Sales 1-888-308-5520 - Service: 1-800-308-5537 Ext. 504

CUSTOMER INFORMATION		TIME IN:	TIME OUT:
Name: <u>Billy Jordan</u>	Home Phone# <u>662-526-5750</u>		
Address: <u>11 County Rd. 510</u>	Other Phone# <u>662-236-6306</u>		
City: <u>Concord</u>	State: <u>MS</u>	Zip: <u>38619</u>	CSG Acct# _____

DESCRIPTION OF SERVICES PERFORMED

() HG () DISH MOVER () SC () UPGRADE () TC () REINSTALL LOC. OF RECEIVER(S) INSTALLED: LR TV ON CH () MBR TV ON CH. ()

BR # 2 TV ON CH () BR # 3 TV ON CH () OTHER RM. TV ON CH. () PH. LINE CONNECTED () YES () NO LOCATION OF DISH MOUNT: _____

SYSTEM PASSED CHECK SWITCH TEST AND DIAGNOSTICS TEST, SW CURRENT, ALL PROG. PRESENT, CUST. EDUCATED ON HOW TO USE SYSTEM.

(SPECIAL NOTES BELOW): Swap cust TV. in living room "cust. is having a problem in chan. 3 with CC from 3:30 to 4:00 PM only on show but CC is working fine on commercials & from 7:00 to 10:00 PM same. prob. only on chan. 3" tech. has no way to resolve prob. Cust. is beat & need CC.

SIGNAL STRENGTHS:				WILDBLUE EQUIPMENT	
119-14	119-15	119-16	119-21	NEW	TRIA#
				NEW	MODEM#
				OLD	TRIA#
				OLD	MODEM#

RECEIVERS INSTALLED - RECEIVED				DELIVERED EQUIPMENT			
DELIVERED	INSTALLED	DELIVERED	INSTALLED		DP	LEG	DISH PRO PLUS
Model _____	Model _____	Model _____	Model _____	DISH			
Serial # _____	Serial # _____	Serial # _____	Serial # _____	MAST			
CA # _____	CA # _____	CA # _____	CA # _____	ARM			
SC # _____	SC # _____	SC # _____	SC # _____	SINGLE			
				DUAL			
				TWIN			
				QUAD			
				1K2			
				EA LNB			
				DPP33			
				34/44			

I acknowledge and agree to be bound by the terms and conditions of the Residential Customer Agreement set forth on the reverse of this page. Initials _____

I acknowledge and agree to be bound by the terms and conditions on the 24 Month Programming Commitment set forth in Section 6 of the reverse page. Initials _____

I have been presented and understand the benefits of Surge Protection and choose to waive this option. Initials _____

I confirm that the requested work could not be completed, on date shown below, due to no line of sight or the necessity to purchase additional equipment.
Customer Signature _____ Date _____

Claims regarding property damage are to be immediately reported by calling 1-800-308-5537. Claims made after 30 days from installation date will not be accepted. Initials _____

I confirm that the work listed above has been completed in a satisfactory manner on the date showed below and that the equipment is in good working order. I agree to the terms outlined on the reverse side of this Service Agreement. If I rent my residence, I acknowledge that all authorizations have been obtained to perform the work needed to install the satellite system.
Customer Signature Billy Jordan Date 12.8.08

RETURNED EQUIPMENT			
	DP	LEG	DISH PRO PLUS
SINGLE			
DUAL			
TWIN			
QUAD			
EA LNB			
DPP33			
34/44			

I acknowledge that all work associated with Service Agreement has been completed in a matter that satisfies Dish Network standards as well as NEC and local codes.
Technician's Signature _____
Date 12.8.08

WHITE - Office Copy YELLOW - Customer Copy

Kyle Colquhoun

Allen, Bobby

From: Gratteau, Kent [Kent.Gratteau@echostar.com]
Sent: Monday, January 05, 2009 7:41 PM
To: #New Braunfels Managers; #Cheyenne - Compression Dept
Cc: Allen, Bobby; Flessner, Andy
Subject: WREG CBS Memphis closed caption problems
Attachments: WREG.PDF

I have been talking with Bobby Allen of WREG for a few weeks about a viewer complaint concerning closed captioning of WREG CBS Memphis. I have asked LE to check on the service a couple of times and it has been good each time checked (LE can't actually see the CC, but they called RTOC and they checked).

Here's the issue: Viewers (a couple of different ones) say CC flickers or is "screwed up" on network programming. Neighbors (Dish subscribers also) checked and found same issue. Only noted during network programming – not on local programming.

Chief Engineer (Dish subscriber) checked and could find no problem.

Viewer had Dish techs visit and they confirmed issue (see attached reports).

It appears that one viewer, Mrs. Jordan, has two STB – a 625 and a 522. Not a STB issue?

Problem appears to have started approximately the same time as our conversion of the Memphis market to MPLS.

Could someone help to troubleshoot this problem? Please keep me in the loop regarding any results.

Kent Gratteau
Field Engineer
307-286-8174

From: Allen, Bobby [mailto:Bobby.Allen@WREG.com]
Sent: Monday, January 05, 2009 2:04 PM
To: Gratteau, Kent
Subject: More info on Ms. Jordan (CBS closed caption issues)

Here is some information Ms. Jordan sent to me. I do not know if this helps.

Bobby D. Allen Jr.
Broadcast Engineering
bobby.allen@wreg.com
www.wreg.com
(901) 543-2321



From: linda jordan [mailto:ljordan2@bellsouth.net]
Sent: Monday, December 22, 2008 1:28 PM

2/12/2009

To: Allen, Bobby

Subject: response to your email to me

Please see attached documents.

Thanks for your help.

Linda L. Jordan

Allen, Bobby

From: linda jordan [ljordan2@bellsouth.net]
Sent: Tuesday, January 06, 2009 10:18 AM
To: Allen, Bobby
Subject: Re: Dish-CBS closed caption problems

And a Happy New Year to you also--we have been out of the country for a 10 day trip and when we returned I had a message on home answering machine to contact Kent Britel ??(not sure about this last name) with Dish Engineering at 1-307-286-8174.

I have this morning contacted Kent and he is to call me at home tonight (after 6 pm) regarding the caption problems.

I have (2) dual Dish Receivers---Model 625 and 522. The CC problem is on both receivers (4 televisions). My husband said yesterday afternoon from 3:30 till 4:30 the screen was PINK (this is a new addition to the problem) and last night all prime time programming was not available to us in CC. Just flashes constantly so fast it almost makes you sick.

Linda Jordan

----- Original message from "Allen, Bobby" <Bobby.Allen@WREG.com>: -----

Ms. Jordan,

I hope the New Year finds you well. Just to keep you up to date, I spoke with Dish engineering today. Would it be possible for you to e-mail me the model number of your set top box? This might help me when I receive similar calls about CBS closed captioning problems.

I will keep you up to date in our progress in solving your problem. Hopefully it will be very soon.

Sincerely,

Bobby D. Allen Jr.
Broadcast Engineering
bobby.allen@wreg.com
www.wreg.com
(901) 543-2321



Allen, Bobby

From: linda jordan [ljordan2@bellsouth.net]
Sent: Tuesday, January 06, 2009 1:52 PM
To: Allen, Bobby
Subject: RE: Dish-CBS closed caption problems

Well I hope that gets rid of the pink problem---but I am still confused as to who has the CC problem-- CBS, WREG, or DISH ?????
Since we have determined that all my neighbors who are DISH subscribers have the same problem, but they were not aware in as much as they are not hearing impaired as to the extent that my husband is--this has now been going on since Oct 1st--surely someone can give me an answer.

----- Original message from "Allen, Bobby" <Bobby.Allen@WREG.com>: -----

Ms. Jordan,

WREG had some other unrelated problems yesterday that affected everyone. The pink, hopefully, will not re-occur. I talked to Kent Gratteau yesterday and we discussed the closed captioning problems. I received an email from Kent this morning. He sent me a copy of what he sent to his folks last night. Maybe we will hear something soon.

I will keep you up to date.

Regards,

Bobby D. Allen Jr.
Broadcast Engineering
bobby.allen@wreg.com
www.wreg.com
(901) 543-2321



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Subject: Re: Dish-CBS closed caption problems

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Allen, Bobby

From: linda jordan [ljordan2@bellsouth.net]
Sent: Thursday, January 08, 2009 2:19 PM
To: Allen, Bobby
Subject: CC problem on WREG

I thought I would up date you on this problem.

I am now dealing with ECHO STAR - the parent company of DJSH---her name is Tammy and phone number is 1-307-633-5484.

It seems she did not have all information in regards to the problem, but she does now. I informed her that a complaint had been filed with the FCC and she assured me this was a priority with thier engineering department.

Thanks,
Linda Jordan

Allen, Bobby

From: linda jordan [ljordan2@bellsouth.net]
Sent: Friday, January 09, 2009 8:17 AM
To: Allen, Bobby
Subject: RE: CC problem on WREG

Just to let you know----I am not crazy---Tammy with ECHO STAR called me back last night and lo and behold they were able to capture the CC problem during the times I had given them. She stated they are playing phone tag with you and will try to work with you on what the problem can be from your station transmission to our area.

Thanks
Linda

----- Original message from "Allen, Bobby" <Bobby.Allen@WREG.com>: -----

Great! Maybe if we continue to attack this on two fronts, we can get this resolved faster.

I will keep you informed if anything new develops on my end.

Regards,

Bobby D. Allen Jr.
Broadcast Engineering
bobby.allen@wreg.com
www.wreg.com
(901) 543-2321



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Thanks,
Linda Jordan

Allen, Bobby

From: linda jordan [ljordan2@bellsouth.net]
Sent: Tuesday, January 13, 2009 9:33 AM
To: Allen, Bobby
Subject: new information on your CC

I thought you would want to know that I rec'd a call from Stuart Dugas, Echo Star Quality Control Manager last night @ 6:20 p.m.

He informed me they were going to send Engineer ??? to meet with you in trying to resolve this problem.

My patience has reached it's limits with this problem and I informed him that I will be filing again with the FCC and someone it going to be fined for this problem---No CC on the CBS network out of Memphis to all of us in my area.

It sounded to me that they felt the problem was coming from WREG feed. Just giving you a heads up. I have been trying to resolve this problem since the end of Sept. 2008 and with a deaf husband, this should have already resolved.

I informed Mr. Dugas that I would no longer take calls from Echo Star---they must communicate with me only by e-mail.

Linda

Bringle, Debbie

From: linda jordan [ljordan2@bellsouth.net]
Sent: Tuesday, January 13, 2009 1:09 PM
To: Allen, Bobby
Subject: RE: new information on your CC

Are you telling me this Engineer came today ?????
Because based on my conversation last night with Mr. Dugas, this would probably not happen for several days.

----- Original message from "Allen, Bobby" <Bobby.Allen@WREG.com>: -----

Mrs. Jordan,

An engineer from Echostar did come by our station to look at our closed captioning system. He took down some information on how we captioned and said he would talk to his team. It appears that they are serious about solving your problem. I told them to contact me if they needed any more information about our operation here at WREG.

Bobby D. Allen Jr.
Broadcast Engineering
bobby.allen@wreg.com
www.wreg.com
(901) 543-2321



From: linda jordan [mailto:ljordan2@bellsouth.net]
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I informed Mr. Dugas that I would no longer take calls from Echo Star----they must communicate with me only by e-mail.

Linda

Bringle, Debbie

From: linda jordan [ljordan2@bellsouth.net]
Sent: Saturday, January 17, 2009 12:02 PM
To: Allen, Bobby
Subject: WREG Closed Captioning Status

Thought you would find this interesting---please tell Tiffany that we did in fact have a CC problem even though no one had contacted your station before me--and I would not be surprised if your station is not being blamed for same. Mr. Dugas has been very helpful and a pleasure to deal with on this matter---even though it took me almost 4 months to get someone who was intelligent enough to handle the problem. You might be interested to know that for all my trouble and time regarding this issue, out of the kindness of thier hearts, they are giving me a \$143.30 credit on my Dish Account. Ain't that just grand !!!!!

Thanks for you time and help

----- Forwarded Message: -----
From: "Dugas, Stewart" <stewart.dugas@echostar.com>
To: <ljordan2@bellsouth.net>
Subject: WREG Closed Captioning Status
Date: Wed, 14 Jan 2009 18:17:30 +0000

Dear Mr. & Mrs. Jordan,

Per our conversation on Monday evening (1/12), I am sending an update on the status of the closed captioning issue on WREG. As we discussed we did capture a data stream of the signal for analysis. At this point due to other troubleshooting efforts completed last night our Engineering teams believe they have identified the problem. They switched over a few different pieces of equipment to back-up (spare) gear while having our Regional Uplink in Texas monitor the channel. During the troubleshooting effort they were able to duplicate the closed captioning problem and they believe they have isolated the problem. They identified a bad component in the primary path and have ordered a replacement. In the meantime we will remain in the back-up path until the new component is replaced and then switch back to the primary signal path. We will continue to monitor this channel until we are assured a resolution is in place. If you could be so kind as to confirm that the closed captioning is indeed passing correctly now, it would be greatly appreciated. I will again update you once the component has been replaced and we switch back to the primary path to ensure that everything is still fine. Also if you are still seeing problems please let us know as soon as possible.

We have also contacted our Technical Operations Center in the DISH corporate offices who interface with the CEO team. They as well will follow up to ensure this issue is resolved and that you are satisfied as a customer.

Just as a reminder, we do have an email address that you can contact directly if you should have any further audio or video problems: dishquality@echostar.com At any time you have an Audio/Video issue feel free to email this address and it goes to the QA Team in Cheyenne who work directly with Engineering. The email is also seen by our Technical Operations teams in Cheyenne, WY and Gilbert, AZ so that it will get immediate attention.

We apologize for the delay in identifying this problem and hope that everything is now operationally sound. Thank you for your patience.

Respectfully,

Stew Dugas
QA Engineering Manager I
EchoStar Broadcasting Corporation
(307) 633-5247

Bringler, Debbie

From: linda jordan [ljordan2@bellsouth.net]
Sent: Wednesday, February 11, 2009 2:59 PM
To: Gillen, Brad
Cc: stewart.dugas@echostar.com; Allen, Bobby
Subject: Re: DISH Network Response to 08-C00078575-FC

Well. Mr. Gillen, I am not surprised at your response, but please keep in mind that I have all correspondence along with dates and names that I spoke to at Dishnetwork during this debacle and also the Engineer with the CBS network out of Memphis and also my correspondence with Stu Dugas of Echo Star in regards to this problem which went on for approx. 3 months.

Your response is being forwarded to Mr. Bobby Allen, Engineer at WREG-TV (CBS network out of Memphis and also Mr. Stu Dugas of Echostar.

It all comes down to the consumer being treated as an idiot and I am not sure I am thru with this issue.

Linda Jordan

--- On Wed, 2/11/09, Gillen, Brad <bradley.gillen@Dishnetwork.com> wrote:

From: Gillen, Brad <bradley.gillen@Dishnetwork.com>
Subject: DISH Network Response to 08-C00078575-FC
To:
Date: Wednesday, February 11, 2009, 12:23 PM

Attached please find DISH Network's response to Ms. Jordan's informal complaint with respect to closed captioning issues on a Memphis location station. Thank you. Brad

*** Please note my email address has changed to bradley.gillen@dishnetwork.com. Please update your records

Brad Gillen

Director, Federal Regulatory & Senior Counsel

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