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September 19, 2014

**VIA HAND DELIVERY AND EMAIL**

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

Re: KRON-TV, San Francisco, California  
Facility Identification Number 65526  
FCC File Number 14-C00586052-(SM)(Keiser)(KRON)  
Response to Notice of Informal Complaint

Dear Ms. Kimmel:

On behalf of Young Broadcasting of San Francisco, Inc. ("Young"), the licensee of KRON-TV, we hereby submit Young's response to an August 20, 2014 letter from the Commission's Consumer & Governmental Affairs Bureau (the "Letter").<sup>1</sup> The Letter forwarded a complaint from Ms. Jan Keiser, who complained that the 8 a.m. newscast broadcast by KRON-TV on May 24, 2014 was poorly captioned. Young is pleased to be able to respond to the Commission and to send a copy of its response directly to Ms. Keiser today.

Young takes seriously all viewer comments and concerns and attempts to resolve any captioning issues promptly. Upon receiving the complaint, Young conducted a thorough investigation into the matter. As explained in more detail below, Young has met its obligations regarding the provision of closed captioning on KRON-TV. In this instance, the Commission's rules do not require KRON-TV to provide real-time live captioning of its newscasts or live unscripted programming, because the Commission's rules allow stations in the Top 25 markets that are not Big 4 affiliates, like KRON-TV, to utilize the electronic newsroom technique<sup>2</sup> in lieu

<sup>1</sup> *Notice of Informal Complaint*, from Susan L. Kimmel, Deputy Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau, Federal Communications Commission, to KRON-TV, File No. 14-C00586052(SM)(Keiser)(KRON) (Aug. 20, 2014).

<sup>2</sup> The electronic newsroom technique ("ENT") captioning system simultaneously feeds the teleprompter for the anchors and generates closed captioning for the audience. This system does not generate captioning for non-scripted elements of broadcasts, such as live interviews, weather segments, or press conferences.

of live captioning for scripted news programming.<sup>3</sup> Nevertheless, KRON-TV has not relied on ENT to provide closed captions to its viewers. KRON-TV exceeds its regulatory requirement by ordering live captions for all of its local newscasts. Thus, unlike viewers of stations that utilize ENT, KRON-TV's viewers receive captions to scripted and unscripted portions of the local newscast. KRON-TV's records reflect that the particular newscast in question included live-captions throughout the newscast and Young is confident that KRON-TV's newscast fully complied with the Commission's closed captioning rules.

The Commission has noted that providing closed captioning of live programming is difficult. In February 2014, the Commission stated, "it may be impossible, using today's technologies, to always achieve fully accurate captioning on live programming due to the particular constraints involved with captioning such programming."<sup>4</sup> Thus, the Commission recently adopted best practices in an effort to enhance all closed captioning for viewers that rely on the captions to understand the video content.<sup>5</sup> The rules requiring broadcasters to adopt these best practices take effect on January 15, 2015.<sup>6</sup>

Even without the Commission's recent regulatory "push," KRON-TV has long included many of the Commission's best practices in its live-captioning procedures. First, KRON-TV's current agreement with its live-captioning provider includes representations from the captioning company that its employees meet or exceed the captioning company's qualification standards. Second, the station's master control facility has screens that display closed captions for all KRON-TV programming and master control personnel are instructed to monitor the live-captions. Third, employees at both KRON-TV and at the captioning provider have contact information for employees who can assist in resolving any captioning issues as they arise. Finally, the station maintains records of identified captioning issues with the information needed to address the issues with its live-captioning company. While these measures have allowed KRON-TV to improve the live-captions that appear during locally produced newscasts, KRON-TV will continue to work with its live-captioning to improve the inherently difficult to produce live-captions for our viewers.

Young is aware of its closed captioning obligations and takes those obligations seriously. KRON-TV provides several mechanisms, both telephone and email, by which viewers can inform the station of closed captioning problems. A viewer can report any closed captioning problems by emailing the station's Closed Captioning Concerns email at [captioning.hotline@KRON.com](mailto:captioning.hotline@KRON.com). In addition, viewers can contact the Captioning Hotline about closed captioning concerns by telephone. A station representative receives and responds to any and all viewer comments or complaints within 24 hours or one business day. If Ms. Keiser

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<sup>3</sup> Closed Captioning and Video Description of Video Programming, Order on Reconsideration, 13 FCC Rcd 19973, ¶ 37 (1998); 47 C.F.R. § 79.1(e)(3). Nielsen has assigned KRON-TV to the San Francisco-Oakland-San Jose, California Designated Market Area, ranked number 6. KRON-TV is a MyNetwork affiliate. The station thus qualifies to use the electronic newsroom technique.

<sup>4</sup> Closed Captioning of Video Programming, 29 FCC Rcd 2221, 2250, ¶42 (2014).

<sup>5</sup> *Id.* at 2254-2259, ¶¶ 51-60.

<sup>6</sup> *Public Notice*, Notice of Effective Dates of Closed Captioning Quality Report and Order and Declaratory Ruling, and Announcement of Comment and Reply Comment Deadlines for Related Further Notice of Proposed Rulemaking, DA 14-456, April, 3, 2014.

experiences difficulties with the station's closed captioning during scripted programs in the future, Young encourages her to use one of the contact methods listed above to inform the station. Young provides local viewers with closed captioning information that exceeds its obligations under the FCC's rules. Young takes great pride in serving San Francisco and continually reassesses its service to the community. If you have any questions about the attached response, please contact me directly.

Respectfully submitted,



Christina H. Burrow  
Henry H. Wendel

Attachment

cc: Ms. Susan L. Kimmel (via e-mail)  
Ms. ShaVonne Morris (via e-mail)  
Ms. Jan Keiser (via e-mail)

**DECLARATION OF ASHLEY GOLD MESSINA**

1. My name is Ashley Gold Messina and I am Vice President and General Manager of KRON-TV.
2. I have read the foregoing letter prepared in response to the FCC's Notice of Informal Complaint and believe it to be true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry.

A handwritten signature in black ink, appearing to read "Ashley Gold Messina", written over a horizontal line.

Ashley Gold Messina  
Vice President and General Manager  
September 19, 2014