

Beder, Michael

From: Beder, Michael
Sent: Wednesday, November 25, 2020 6:29 PM
To: FCC
Cc: [REDACTED] Sherita Kennedy
Subject: RE: Serve ticket#: 4329132 Last Name: Siebert
Attachments: KARE NOIC Response to Siebert (11-25-2020).pdf

Good evening,

Attached, please find our response to the informal complaint served on KARE on October 27, 2020, on behalf of Barry Siebert, regarding closed captioning in the program "Jeopardy." Please don't hesitate to reach out to us with any further questions on this matter.

Regards,
Michael Beder

Michael Beder | Associate General Counsel | TEGNA Inc.
8350 Broad Street, Suite 2000, Tysons, VA 22102
Office: 703.873.6902 | Cell: 703.213.8992 | Email: mbeder@tegn.com

From: FCC <consumercomplaints@fcc.gov>
Sent: Tuesday, October 27, 2020 2:32 PM
To: Branson, Denise <DBranson@tegn.com>
Subject: Serve ticket#: 4329132 Last Name: Siebert

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password.
Send suspicious email to infosec@tegn.com.

- Please type your reply above this line -

Due Date: 11/26/2020
Serve Date: 10/27/2020

Link to Ticket: <https://fcctest.zendesk.com/agent/tickets/4329132>
Subject: Jeopardy closed captioning
Tags: broadcast_tv carrier_response_pending closed_captioning_tv dro_noic_79_1 dro_serve_done email_preferred_method minnesota minnesota_complaining_about minnesota_viewed_heard nbc no_filing_on_behalf
Email: [REDACTED]
Method: - Broadcast (over the air)
Issue: - -
Number subject to complaint:

Company Name:
Other Company Name:
Account #:
First: Barry
Last: Siebert

Address: [REDACTED]
Address 2:
City: Saint Paul
State: minnesota
Zip: 55119
Phone where to be contacted: [REDACTED]
Filing on Behalf of Someone: No
Relationship:
First Name:
Last Name:
Serve Status: carrier_response_pending

Ticket Information:

Sherita Kennedy (FCC Complaints)

Oct 27, 2020, 2:28 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 Barry Siebert filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide closed captioning on television. We are inquiring into 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 CFR § 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 complaint concerns the quality of the closed captioning, we remind you that closed captions – no matter how they are produced, for example, by the use of the electronic newsroom technique (ENT), where permitted, by a captioning service, or by using automated speech recognition technology – are subject to the FCC's closed captioning quality standards related to accuracy, synchronicity, completeness, and placement. 47 CFR § 79.1(j). If known, please include in your response how the closed captions at issue were produced. To support a response that asserts that the captioning at issue complies with the closed captioning quality rules, please include with your response a recording, such as a DVD or electronic file, of the time(s) and date(s) of the event(s) described in the complaint.

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).

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 same 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 publicly 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 DRO@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.

Bjsiebert

Oct 26, 2020, 5:57 PM EDT

Bjsiebert was not signed in when this comment was submitted. [Learn more](#)

During weekdays at 4:30pm, I've been watching Jeopardy on Channel 11, KARE TV in Twin Cities of MN. Closed captioning quality has been poor all last week and again today, Monday, October 26th. I've complained to the station with no results.

You are an agent. Add a comment by replying to this email or [view ticket in Zendesk Support](#).

Ticket # 4329132
Status Open
Requester Bjsiebert
CCs Michael Beder, FCC Consumer Help Center
Group KARE (DRO)
Assignee Denise Branson
Priority -
Type Ticket
Channel Web Form

This email is a service from FCC Complaints.

TEGNA

MICHAEL BEDER

ASSOCIATE GENERAL COUNSEL

November 25, 2020

By Electronic Mail

Barry Siebert
[REDACTED]

Re: Official Notice of Informal Complaint dated October 27, 2020
FCC Complaint Ticket No. 4329132

Dear Mr. Siebert:

Multimedia Holdings Corporation ("Licensee"), the licensee of KARE, Minneapolis, Minnesota ("KARE"), hereby responds to your closed captioning inquiry, which the Federal Communications Commission ("FCC") forwarded to Licensee with an Official Notice of Informal Complaint dated October 27, 2020.

In your inquiry, you stated that closed captioning quality during KARE's broadcasts of the syndicated program "Jeopardy" had been poor throughout the week of October 19-23 and again on Monday, October 26. In a separate e-mail to KARE Chief Engineer Tony McDonald, you explained that when you watched the program on your television, it appeared that contestants' answers were not captioned, although you did see captions when host Alex Trebek spoke.

Captions in pre-produced programs such as "Jeopardy" are provided by the program producer, in this case CBS Television Distribution ("CTD"). CTD provides a widely available certification, in accordance with FCC rules, that it follows FCC-defined closed captioning best practices.¹ KARE checked recordings of its broadcasts of "Jeopardy" from the relevant period and found that the embedded captions were being transmitted intact and provided complete captioning for the program.² We also confirmed with CTD that the programmer has not received any complaints regarding captions in these episodes.

In an e-mail to Mr. McDonald sent on November 24, 2020, you confirmed that you have now been able to access satisfactory captions in "Jeopardy" by changing your television's closed captioning settings to display "Default" captions rather than captions from the "CC1" track.

We greatly appreciate being informed by our viewers whenever they have concerns, and we are glad you have now been able to resolve this issue. Please do not hesitate to contact us with any further questions or concerns. Mr. McDonald is KARE's closed captioning contact; he can be reached at (763) 797-7257, or tmcdonald@kare11.com. I can be reached at (703) 873-6902, or mbeder@tegna.com.

Sincerely,



cc: Sherita Kennedy, Telecommunications Accessibility Specialist (Sherita.Kennedy@fcc.gov)
FCC Consumer and Governmental Affairs Bureau, Disability Rights Office

¹ See Attachment 1.

² Clips of the relevant episodes, with captions as aired by KARE, are available here: [REDACTED]

This link will expire on December 28, 2020.

8350 BROAD STREET · SUITE 2000 · TYSONS, VA 22102 · OFFICE: 703.873.6902 · FAX: 703.873.6331

MBEDER@TEGNA.COM

Attachment 1

CBS TELEVISION DISTRIBUTION

SECTION 79.1(j)(1) CLOSED CAPTIONING QUALITY CERTIFICATION

Pursuant to Section 79.1(j)(1) of the rules of the Federal Communications Commission, 47 C.F.R. § 79.1(j)(1) (the "FCC Rules"), CBS Television Distribution ("CTD"), a division of CBS Broadcasting Inc., hereby certifies that in the ordinary course of business, CTD has adopted and follows the Best Practices set forth in Section 79.1(k)(1) of the FCC Rules.

This certification may also be seen by going to promopassport.com.

Executed as of April 6, 2018:

CBS TELEVISION DISTRIBUTION,
a division of CBS Broadcasting Inc.

By: 

Frank Governale
SVP, East Coast Operations
CBS Broadcasting Inc.
524 West 57th Street
New York, New York 10019

4-26-18

Reviewed
PMT
CBS LAW