Kathy Stewart

From: Lisa Manning
Sent: Thursday, September 29, 2011 11:47 AM
To: susan.kimmel@fcc.gov; francine.crawford@fcc.gov
Cc: Joshua Pila
Subject: WWLP-TV's Response to Informal Captioning Complaints

Attachments: RE: Acknowledgment and Request for Extension of Time to Respond; image001.jpg; Response of WWLP Broadcasting, LLC.PDF

RE: vledgment and Re Response of WLP Broadcasting

Dear Ms. Kimmel and Ms. Crawford,

On behalf of WWLP-TV, I am providing you with an electronic courtesy copy of WWLP-TV's response to the below-referenced informal captioning complaints. This response is timely pursuant to an extension granted by Ms. Crawford (attached). A full copy of all of WWLP-TV's responses is being placed with an overnight courier today.

WWLP-TV today sent separate letters including this response to each complainant. Due to e-mail limitations, I have not attached each of these letters, but they are in the overnight courier package. In the overnight courier package, you will also find CDs containing the requested video files. Again, those video files are not attached to this email due to size limitations.

Should you have any questions about this response, please contact Joshua Pila, Regulatory Counsel, at Joshua.Pila@linmedia.com.

Reference Numbers:

11-C00322961-FC

11-C00322946

11-C00322967

11-C00323011

11-C0032015

11-C00323053

11-C00323140

11-C00323252

11-C00323169

11-C00323265

11-C00323437

Very truly yours,

Lisa A. Manning

Paralegal

cid:image003.jpg@01CAE231.5B7FAF90 <http://www.linmedia.com/>

One West Exchange Street, Suite 5A

Providence, RI 02903-1058

Tel: 401-457-9511

Fax: 401-454-2817

Kathy Stewart

From: Francine Crawford [Francine.Crawford@fcc.gov]
Sent: Wednesday, August 31, 2011 11:40 AM
To: Joshua Pila
Cc: Susan Kimmel
Subject: RE: Acknowledgment and Request for Extension of Time to Respond

Mr. Pila,

Your request for an extension of time to respond to the below listed captioning complaints is granted through September 30, 2011. Please contact me if you have any questions.

Francine Crawford
Telecommunications Accessibility Specialist
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
202-418-2085

-----Original Message-----
From: Joshua Pila [mailto:joshua.pila@linmedia.com]
Sent: Monday, August 29, 2011 6:06 PM
To: Joshua Pila; Susan Kimmel; Francine Crawford
Cc: Lisa Manning
Subject: RE: Acknowledgment and Request for Extension of Time to Respond

Ms. Crawford,

I apologize that we've been playing phone tag regarding the request for extension in the below referenced matters. I am traveling through our Ohio markets through the rest of the week. I can be reached by email, or you may contact our paralegal, Lisa Manning, at 401-457-9511 and she will relay your message.

Very truly yours,

Joshua N. Pila, Esq.

-----Original Message-----
From: Joshua Pila

Sent: Wednesday, August 24, 2011 8:56 AM
To: susan.kimmel@fcc.gov; francine.crawford@fcc.gov
Subject: Acknowledgment and Request for Extension of Time to Respond

Dear Ms. Kimmel,

On behalf of WWLP Broadcasting, LLC, the licensee of WWLP(TV), Springfield, MA, I hereby acknowledge receipt of your letter dated August 19, 2011, with attachments, bearing the reference numbers listed below. The complainants are bcc'd on this email to protect their privacy.

By this correspondence, WWLP requests a two-week extension to respond to your letter, i.e., until Friday, September 30. WWLP requests this extension so that it may undertake a thorough investigation and provide the Commission and the complainants with a full response, given management travel and vacation absences.

Reference Numbers:
11-C00322961-FC
11-C00322946
11-C00322967
11-C00323011
11-C0032015
11-C00323053
11-C00323140
11-C00323252
11-C00323169
11-C00323265
11-C00323437

Very truly yours,

Joshua N. Pila
Regulatory Counsel
LIN Media

lin media

Joshua N. Pila
Regulatory Counsel

RESPONSE OF WWLP BROADCASTING, LLC

11-C00322961-FC; 11-C00322946; 11-C00322967; 11-C00323011; 11-C0032015; 11-C00323053; 11-C00323140; 11-C00323252; 11-C00323169; 11-C00323265; 11-C00323437

By this statement, WWLP Broadcasting, LLC, through its corporate parent LIN Television Corporation (d/b/a LIN Media), hereby responds to that certain "Official Notice of Informal Complaint" dated August 19, 2011 regarding WWLP-TV's tornado coverage in early June 2011 and its coverage of a July 2011 "microburst"[1] in the above-captioned matters. This response is timely filed pursuant to an extension of time granted by Ms. Francine Crawford on August 31, 2011. A copy of that extension is attached hereto for your reference.

Factual Background

June Tornado

On June 1, 2011, at least one tornado struck Western Massachusetts, including Springfield, Massachusetts (WWLP-TV's community of license). The Springfield-Holyoke DMA is ranked 110th in size by Nielsen Media Research.

Almost simultaneously, WWLP-TV's dedicated newsroom quickly swung into action with crawls, graphics, cut-ins and a variety of other visual and audio information for all of its viewers. At that time, WWLP-TV's reporting consisted of graphical displays from the National Weather Service, images from its own weather software, crawls, and pictures from mounted stationary cameras to convey up-to-the minute information. Given the large amount of graphical information provided, WWLP-TV did not provide live real-time captioning, as permitted under the FCC's rules.

On June 2, 2011 and thereafter, people began to venture out, and WWLP-TV's reporters were no exception. While the previous day's newscasts were focused on in-studio reviews of maps, charts, and other graphics, WWLP-TV sent reporters into the field on June 2, 2011 and the days thereafter. With newscasts that focused on "in-the-field" reporting rather than "in-studio" reporting, WWLP-TV engaged the services of Dynamic Captioning, LLC, LIN Television Corporation's real-time captioning provider, for these on-the-spot newscasts.

July Microburst

A strong line of storms that brought strong winds, hail, and heavy rains came through Western Massachusetts on July 26th. WWLP-TV provided graphical accessible coverage for its viewers. It also attempted to obtain real-time captioning for portions of its broadcast that contained out-of-studio information, but was unable to secure a captioner. In any event, WWLP provided extensive graphical information that conveyed the dangers of the microburst to its viewers.

Legal Background

WWLP-TV, like other small-market broadcasters, primarily relies on the Electronic Newsroom ("ENR") technique to caption its newscasts. When the FCC implemented captioning requirements in 1998, it described ENR by stating: "ENR is commonly used for live programming, especially newscasts, and creates captions from a news script computer or teleprompter. Only material that is scripted can be

[1] Complaint No. 11-C00323265-1 refers to a microburst on "6/26/2011." WWLP believes that the complainant was referring to the July 26th microburst and treats that complaint as such.

One West Exchange Street, Suite 5A, Providence RI 02903 www.linmedia.com
phone 401.457.9525 | fax 401.454.2817 | joshua.pila@linmedia.com

captioned using this technique and, thus, within a program live field reports, breaking news, sports and weather may remain uncaptioned."

While both we and the FCC recognize the limitations of the ENR technique, the FCC allows stations in markets smaller than the Top 25 markets to use ENR for newscasts due to the extremely high costs of real-time captioning. The FCC has found that if it required real-time captioning stations in smaller markets would likely stop providing news and information altogether because of the high expense. WWLP-TV therefore complies with the FCC's rules by using ENR for its news programming.

Complaints

WWLP-TV received eleven complaints forwarded from the Federal Communications Commission regarding WWLP-TV's summer 2011 weather coverage. To WWLP-TV's knowledge, we did not receive any complaints about the summer weather events via the closed captioning "hotline" publicized and maintained as required under the FCC's rules.

The forwarded complaints do not state that WWLP-TV failed to provide emergency information in visual and audio format. Instead, they simply request that WWLP-TV provide "real time closed captioning on all news programs[,] especially live breaking news."[2] Several of the complaints allege that hearing impaired viewers have no means of obtaining emergency information other than via real-time closed captioning.[3]

Response

WWLP-TV and LIN Media take our obligations to serve all of our viewers very seriously. As a result, LIN Media newsroom staff members (including WWLP-TV news staff members) have received training on emergency programming accessibility and breaking news planning. WWLP-TV has in place a weather breaking news plan that performed well in the face of this summer's weather occurrences.

WWLP-TV provides emergency information to its viewers both graphically and orally in a variety of ways. For example, WWLP-TV provides crawls, full-screen graphics, squeezebacks, maps, charts, diagrams, live photos and video, and a variety of other graphical means to convey emergency information. In addition, as part of its breaking news plan and when appropriate for the type of news content at hand, WWLP-TV also sometimes utilizes the services of Dynamic Captioning, LLC for real-time captioning.

LIN strongly disputes the complainants' allegation that real-time closed captioning is the only means of providing hearing impaired individuals with access to emergency information. As the Commission itself has found, graphical presentation of emergency information can assist hearing impaired individuals in protecting themselves and their families in the face of an emergency.

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[2] *See* 11-C00322961-1. *See also*, 11-C00322967-1 ("I would like to see real time closed captioning on all programs but especially the news and live/breaking news"); 11-C00323252 ("Please Require to have Real Life Caption on ALL news from now on!")

[3] *See, e.g.*, 11-C00322946 ("Deaf and Hard of Hearing individuals had no form of communication to be warned."); 11-C00322961-1 ("There was a tornado occurring in and around my town and I had no way of knowing"); 11-C00322967-1 ("I had no way of knowing it was on its way to my hometown and when").

In the case of the June tornado, the in-studio programming on the day of the tornado included emergency information in a variety of graphical formats, including by crawls, maps, and full-screen graphics. With a studio-based newscast, inserting graphics and crawls is easier because the required staff and equipment are in close quarters. The next morning, however, WWLP-TV realized that its post-tornado news product would mostly be "on-the-spot" without the ability to easily add such graphics. The station therefore sought the services of LIN Media's captioning provider, Dynamic Captioning, LLC, for real-time captioning of these on-the-street programs. [4]

In the case of the July microburst, WWLP-TV provided graphical representations for accessibility, and attempted to obtain a real-time captioner for portions of its newscast. Unfortunately, a real-time captioner was not available. WWLP-TV nevertheless provided extensive graphical information to its viewers about the extent and nature of the weather event.

The WWLP-TV newsroom's choices in providing visual information to its viewers show the care and expertise put into providing an accessible product with limited resources. The Commission has respected each individual newsroom's expert judgment in the best way to provide accessible emergency information in each specific instance. In applying this judgment, WWLP-TV takes into account the type of coverage, the timing of the coverage, the availability of graphics to convey information, and a variety of other factors. For example, given the substantial lead time for Hurricane Irene and the knowledge that much of that reporting would come from outside the studio building, WWLP-TV chose to use the services of Dynamic Captioning, LLC for its Hurricane Irene coverage.[5]

In implementing the closed captioning and emergency programming rules, the Commission was quite clear that if forced to implement real time captioning for all breaking news, small-market television stations would likely stop providing breaking news due to high costs. WWLP-TV faces the very situation the Commission envisioned.

WWLP-TV's news management understands that there are times when the station can readily use other graphical options to provide emergency information in a visual format and that there are other times where real-time captioning may be helpful to the station in fulfilling its obligations to make such information visually available. WWLP-TV works hard to make informed decisions about how to best serve all of its viewing public with important news and information.

Future Steps

LIN Media, and WWLP-TV especially, understand the importance of providing accessible information to all of our viewers. We provide that information in a variety of ways, such as graphics, scrolls, squeezebacks, and (when appropriate) real-time live captioning. LIN Media does not believe that debating the Commission's policies through the informal complaint process is a valuable use of the time of the complainants, the station, or the Commission. WWLP-TV is not required by the Commission's rules to provide real-time captioning for its news, emergency or otherwise. On the other hand, WWLP-

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[4] Several complainants allege that no captioning was provided the day after the tornado, which is factually incorrect. (11-C00322946-1; 11-C00323011-1).

[5] WWLP-TV received the attached letter from the Stavros Center for Independent Living, Inc. thanking the station for its Hurricane Irene coverage. *See* Exhibit B.

TV recognizes its obligations to provide accessible information to all of its viewers, and strives to address that obligation in a variety of ways.

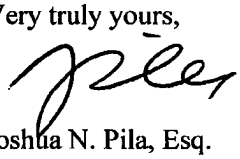
LIN Media therefore encourages the complainants to contact WWLP-TV directly and open a dialogue on these and other issues affecting the hearing impaired community. The information for our closed captioning "hotline", operated and publicized as required by the Commission's rules, is included in the cover letter sent to each complainant. We hope that the complainants will work with us to build upon WWLP-TV's long-time commitment to service in Western Massachusetts.

In the meantime, WWLP-TV has undertaken or plans to soon undertake the following efforts based on the station's experiences with severe weather this summer:

- ***Written Materials***: Each member of our newsroom has received a memorandum explaining the FCC's accessibility policies and the company's policies regarding accessibility.
- ***Posting Newsroom Reminders***: We posted reminder posters in the newsroom about accessibility.
- ***Training***: The WWLP-TV News Director has provided further breaking news training to his staff regarding graphics, captioning, and other matters of accessibility.
- ***News Manager Accountability***: WWLP-TV's news management and weather staff, including the News Director, Executive Producers, and Meteorologists, have been reminded that a core part of their respective job descriptions is to implement our station's policies on accessibility.

Again, LIN Media and WWLP-TV take this matter very seriously and strive to provide an accessible news product to the viewers of Western Massachusetts. Any questions about this statement may be directed at the undersigned counsel.

Very truly yours,



Joshua N. Pila, Esq.
Regulatory Counsel – LIN Media
Assistant Secretary of the Managing Member

Exhibit A (Extension)

>----- Original Message -----
>From: Francine Crawford [mailto:Francine.Crawford@fcc.gov]
>Sent: Wednesday, August 31, 2011 11:40 AM
>To: Joshua Pila
>Cc: Susan Kimmel <Susan.Kimmel@fcc.gov>
>Subject: RE: Acknowledgment and Request for Extension of Time to
>Respond
>
>Mr. Pila,
>
>Your request for an extension of time to respond to the below listed
>captioning complaints is granted through September 30, 2011. Please
>contact me if you have any questions.
>
>
>Francine Crawford
>Telecommunications Accessibility Specialist Disability Rights Office
>Consumer & Governmental Affairs Bureau Federal Communications
>Commission
>202-418-2085

Exhibit B (Letter)

STAVROS

CENTER FOR INDEPENDENT LIVING, INC.

September 1, 2011

WWLP-22 News
Executive Director
One Broadcast Center
Chicopee, MA 01013

To Whom It May Concern:

I am writing as a representative of Stavros Center for Independent Living in regards to your real time captioning as hurricane Irene made its way to our region.

I would like to say thank you for WWLP's improvements that were made in providing the real time captioning to Deaf and Hard of Hearing people. The captioning enabled our community to prepare and be aware of the storm's location and possible effects.

The access was appreciated and we hope that you will continue to provide this service for our Deaf and Hard of Hearing consumers.

Thank you,

Lee T. Nettles
DHILS Director
Stavros CIL
262 Cottage Street
Springfield, MA 01104

MSG Confirm

Date & Time : JAN-23-2013 12:25 WED
Fax Number : +1 413 377 2262
Fax Name : WWLP 413.377.2262
Model Name : Dell 2335dn MFP

No	Name/Number	StartTime	Time	Mode	Page	Result
671	918602421959	01-23 12:21	03'03	ECM	008/008	O.K

FAX COVER SHEET

PO BOX 2210
SPRINGFIELD, MA 01102-2210
TEL (413) 786-2200

FAX :
PROMOTIONS DEPT. 413-377-2262

TO: Paul Michael Shea **FAX #:** 860-242-1959

FROM: Anna Giza

DATE: 1/23/13 **TIME:** 12:15 p.m.

NUMBER OF PAGES INCLUDING COVER SHEET: 8

Thanks!

Anna Giza
WWLP Promotion Director
(413) 377-2229
agiza@wwlp.com