

**Pam Gregory**

**From:** laquie451@hotmail.com  
**Sent:** Thursday, May 18, 2006 2:28 AM  
**To:** Pam Gregory  
**Subject:** Re: Closed captioning complaint info

From  
 Frank Wagoner  
 Referring to  
 FCC File number 05-N96139  
 on my Cox Communications account:  
 Frank Wagoner Kalron Account

*Received*  
 May 18 2006  
 10:00 AM  
 from  
 laquie451@hotmail.com

*Bill Canton  
 Office of Secretary  
 CG 05-231*

DOCKET FILE COPY ORIGINAL

I am requesting that all of the information I have compiled in my complaint on the closed captioning, be used for reference or example of problems experienced with closed captioning. I would also like it to be included with and upcoming dockets or rulemaking on Closed Captioning. i will be happy to answer any questions on problems with this matter.

Thank You.

No. of Copies rec'd 041  
 List ABOVE

**Pam Gregory**

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**From:** laquie451@hotmail.com  
**Sent:** Thursday, May 11, 2006 1:23 AM  
**To:** Pam Gregory  
**Cc:** laquie451@hotmail.com  
**Subject:** Fw: Your closed captioning complaint

Received  
May 11, 2006 1:23 AM  
laquie451@hotmail.com

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Monday, March 13, 2006 2:47 PM  
**Subject:** RE: Your closed captioning complaint

If your complaint involves a TV channel or station that is asserting it is a new network -- as a defense to a complaint about lack of closed captioning -- the FCC would review such a response from the video programming distributor to discern if a particular TV channel is a new network or not, or whether there is a permitted exemption for the video programming specified.

That is, when you submit all your complaint information to the FCC you must include channel numbers/call signs and names in the closed captioning complaint submitted to the FCC, as well as specific dates/times/names of shows that you allege do not have closed captioning. The FCC does not make determinations of this sort by email since there may a specific exemption that applies.

ABC and CBS are examples of networks. So also is something like "Arts & Entertainment" (A&E) that can only be seen on a channel provided by a cable or satellite TV distribution system.

A TV station is a facility that is licensed by the FCC to broadcast. Typically, these are local ABC or CBS or Fox affiliates, etc. and have call signs, e.g., "WABC-TV Channel 4, Anytown, USA." However, this TV channel # (for the TV station) may vary on a cable or satellite system as it would depend on how the cable or satellite TV distributor has set up its "line up" for the local broadcast stations that it is distributing to its subscribers.

Please note that, by regulation, "Video programming includes advertisements of more than five minutes in duration but does not include advertisements of five minutes' duration or less. " *See definition at 47 CFR Part 79.1(a)(1)*

Therefore any new English language programming that is longer than 5 minutes should be closed captioned unless it has a permitted exemption.

If you wish, please review FCC regulations for closed captioning. These are on the FCC web site at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]  
**Sent:** Monday, March 13, 2006 3:17 PM  
**To:** Jenifer Simpson  
**Subject:** Re: Your closed captioning complaint

I am preparing a rebuttal to Cox communications response to complaint.  
I have a few questions.  
In regards to

5/16/2006

"(9) Programming on new networks. Programming on a video programming network for the first four years after it begins operation, except that programming on a video programming network that was in operation less than four (4) years on January 1, 1998 is exempt until January 1, 2002. "

what defines a "new network"?

what is the difference between "a network" and "a station"

are the high definition stations all "new networks"

KOCE - an old network, now also produces KOCE HD - is this exempt as a new network?

KTLA (or UPN) and WB are creating a new channel (or network) together, Is this one going to be exempt for 4 years?

From reading the FCC closed captioning rules, I seem to understand "promotional announcements " less than 10 minutes are exempt. What about infomercials? They are usually at least 30 minutes.

and what about commercials, are they exempt?

6) Interstitial, promotional announcements and public service announcements. Interstitial material, promotional announcements, and public service announcements that are 10 minutes or less in duration.

THE INFOMERCIALS ARE MORE THAN 10 Minutes.

Need a response as soon as possible.

Thank you

----- Original Message -----

**From:** Jenifer Simpson

**To:** laquie451@hotmail.com

**Sent:** Tuesday, February 07, 2006 7:40 AM

**Subject:** RE: Your closed captioning complaint

Yes, you must inform the distributor that you are filing a complaint with the FCC, pursuant to FCC regulations at 47 CFR, Part 79.1(g)(4).

Regulations are on the website at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]

**Sent:** Tuesday, February 07, 2006 10:34 AM

**To:** Jenifer Simpson

**Subject:** Re: Your closed captioning complaint

Only one of the issues has been resolved. the rest have not.

I will be emailing you a report on it in a few days.

Will I also need to mail a copy to Cox?

----- Original Message -----

**From:** Jenifer Simpson

**To:** laquie451@hotmail.com

**Sent:** Tuesday, December 13, 2005 10:38 AM

**Subject:** RE: Your closed captioning complaint

Your allegation may involve two statutory requirements found in the Telecommunications Act. Note that, for complaint service purposes, an allegation is not a violation.

1. For closed captioning (or "Video Programming Accessibility"):  
Statute: Sections 711 and 713 of the Telecommunications Act (47 USC 613)  
Regulations at 47 CFR, Part 79.1

2. For decoder circuitry in tv receiving apparatus ("Television Decoder Circuitry Act of 1990" or "Prohibition on the shipment of certain television receivers"):  
Statute: Sections 303(u) and 330(b) of the Telecommunications Act (47 USC 330)  
Regulations: 47 CFR Part 15.119 and 15.122.

USC is "United States Code."  
CFR is "Code of Federal Regulations."

Please keep me informed how Cox responds to your letter of 12/2/05. Note that they have about 45 days in which to resolve your concern.

In your letter it appears you state the following: "(It is their service not living up to FCC Rules)". This may be sufficient in terms of specificity about the FCC's regulations.

Thank you for keeping me informed.

J. Simpson  
CICD  
CGB  
FCC

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]  
**Sent:** Tuesday, December 13, 2005 12:03 PM  
**To:** Jenifer Simpson  
**Cc:** laquie451@hotmail.com  
**Subject:** Re: Your closed captioning complaint

I sent the following to Cox on 12/2/05 it was delivered on 12/05  
Is this letter sufficient wording to continue filing a complaint with the commission?  
I noticed that I did not include the specific commission rule violated, I need some assistance with that.  
could you tell me based upon what I have submitted so far, what commission rules were violated.  
Thanks

12/02/05

Dear Cox Communications

Attn Duffy Leone

Cox Communications

29947 Avenida De Las Banderas

Rancho Santa Margarita, CA 92688

I am writing this letter to complain about the Closed Caption service on the Motorola DTC6412 III. For at least 8 months, the closed captioning service has not worked properly, due to an apparent problem at Cox. I have attempted many times to get this fixed. I have been told Cox would be fixing it soon, it never happened. On multiple occasions, the Motorola DTC6412 III set top box has been replaced. This has never corrected the problem. Just wasted a lot of my time reprogramming the shows back and losing forever shows I wanted to retain.

I have taken upon myself to compile some information on what channels have problems with closed captioning. Please refer to the 6-page document attached (to see the printout in correct order place the pages in the following placement format)

1 2

3 4

5 6

**cc ok** means after viewing the channel for a few minutes, the closed captioning displayed readable words. This is not saying that it worked 100% correct. There is usually a fair amount of miscellaneous errors like missing words or sentences.

**There were 61 of these at the time**

**NONE** means at the time of my reviewing the channel no closed captioning displayed even after waiting up to 4 minutes. **There were 20 channels with no closed captioning**

**GIBBERISH** means the closed captioning displayed is intelligible.

*an example of gibberish* is actor says " The cat fell off the ledge" and Closed Captioning shows "htkfs sdfja djlfsa lojj j jl " **there were 21 channels in gibberish out of 102 .**

Also attached is a 2 page listing of some of the shows I attempted to watch over a 1 week period that contained closed captioning as gibberish.

My Cox account is

Frank Kalron

23932 Jarrow Ln

Lake Forest, CA 92630

949-581-4555

Account 501-7601-010026804

I would like this to be fixed within the next 30 days.

A response is requested.

Rough listing of some of the contacts with customer service

There were more contacts with Cox than this. And please note when reading / investigating this that the problem is in their system or all of the DVR boxes ( WHY DO THEY KEEP SENDING OUT SERVICE PEOPLE ? (HAVE THEM FIX IT AT THEIR END)

Prior to July 2005 ( I do not have the exact date. I called Cox support complaining (again ) about the closed captioning issue. They send a tech out. He told me that a "Phase 3 " box was coming out at the end of July, and to wait and contact Cox support. Call then at the end of July and request "Phase 3 Box" to replace mine because the phase 3 box would be compatible with my TV.

In June 2005 (I Spoke to Tanya in their main complaint dept after getting tired of the std support reps.) I was to be given a service credit for the prior 3 months of (the digital box rental) due to service problems relating to basic functionality of the DVR box . At this time I also complained about the Closed captioning problems. (they credited me the 44.70 for 14.90x3 on the 10/05/05 billing cycle after I complained about that too.)

on the same call, I was also supposed to receive a service credit for the NEXT 3 months of (the digital box rental) due to service problems relating to basic functionality of the DVR box including closed captioning service issues, as they said they would not fixing the problem for at least 3 months "at least not until October. 2005 (they credited me the 44.70 for 14.90x3 on the 11/05/05 billing cycle after I complained A LOT about that too they also told me at this time that a comment was added to my file stating no service for service problems to be given to me. (It is their service not living up to FCC Rules )

In October, I made calls regarding the closed captioning issues and they said they did not know when the closed captioning would be fixed.

They have sent service reps out to my house many times concerning the closed captioning issue ( making TV signal either up or down each time - sometimes they said too much signal could cause the problem. service reps came out over 7 times since Jan. I called a lot more times than they came out

11/2/2005 1:35pm Cox rep Sharron ISSUE I Reported issue with closed captioning on digital channels

RESPONSE Employee was unaware of the Cox problem; Had to research it

Put me on hold for 7 min. She then came back aware of issue and did not have any idea on ETA. (probably read comments on my file)

11/2/2005 2:24pm Cox rep Tanya ISSUE Recording and Closed captioning problems status Told That "you can DOWN GRADE to an non DVR BOX. Or why don't you just switch to satellite?"

on 12/01/05 I called Cox - service rep Andy I asked If he was aware of the closed captioning issue in Orange County with DVR boxes. He said no. He stated the usual reasons Cox tells customers " the problem is in your TV" COX IS STILL NOT TELLING CUSTOMERS THE PROBLEM IS ON COXs END, NOT THE CUSTOMERS Equipment.

----- Original Message -----

**From:** Jenifer Simpson

**To:** laquie451@hotmail.com

**Sent:** Friday, December 02, 2005 8:26 AM

**Subject:** RE: Your closed captioning complaint

Dear Mr. Kalron,

Thank you for sending in additional material (Excel files and other email statements) about your allegations that Cox Cable is not providing closed captioning in compliance with FCC requirements. Below is one step you should take and another we will take.

1. FCC regulations require consumers to **first contact in writing** the TV distributor, i.e., Cox Cable, if there are problems with closed captioning. In your original email you wrote: " It has been no less than eight months since I have made Cox Communications aware of the fact that closed captioning displays only gibberish for most channels above 100 when using their High Definition DVR converter box. "

Please send us a copy of your written complaint letter to them and any response they may have provided. If you have not already done this, **I recommend you send a letter to Cox Cable immediately about the problem, enclosing the Excel listings that you developed and the history of your contacts with customer service. If you do not receive a written response from them within 45 days, or their written response is unsatisfactory, please contact me directly again. (Please send these copies to FAX 202-418-8118, marked to my attention).**

Please note that FCC regulations for closed captioning are found at 47 CFR, Part 79.1 (see on website at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)) These regulations were promulgated in 1997 as a result of a statutory change in the Telecommunications Act of 1996, not the Americans with Disabilities Act (ADA). The FCC enforces the Telecommunications Act of 1996. Generally, the ADA is enforced by the U.S. Department of Justice.

2. Your complaint includes information about a cable TV set top box, or TV receiving apparatus. It appears you are also alleging a violation of the Television Decoder Circuitry Act of 1990. We will serve a Notice to them about this on your behalf. You will receive a copy.

Thank you.

J. Simpson  
CICD  
CGB  
FCC

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]

**Sent:** Friday, December 02, 2005 1:48 AM

**To:** Jenifer Simpson

**Subject:** Re: Your closed captioning complaint

Now lets get this ball rolling, I would like to be updated with the status of this.

***This email should provide all the information requested by you to get this going.***

Also, this is more than a "complaint". If Cox is violating "the Americans with Disabilities Act. ", as I am stating they are, what does the FCC do other than write a letter scolding them? This affects a lot more people than just me. Is the the Americans with Disabilities Act just a rough guideline for TV service providers? Can they just adhere to it whenever they want to? WHO ENFORCES NON-COMPLIANCE?

I saw this on the internet

National Organizations Call on FCC to Address Quality Issues in Closed Captioning

Responding to chronic problems with captioning on broadcast and cable television, Association of Late-Deafened Adults (ALDA), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), National Association of the Deaf (NAD) and Self-Help for the Hard of Hearing People (SHHH) have joined forces with TDI to file a petition to the Federal Communications Commission (FCC), asking that the FCC address long-standing quality issues in closed captioning of all broadcast, cable and satellite television programming for viewers who are deaf, hard of hearing or late-deafened.  
<http://www.adawatchorg/ClosedCaptioning.htm>  
Very sad

Status - Cox last did a DVR reprogramming update on 12/1/05 and there was no change in the Closed Captioning issue

I am sorry to read of these difficulties. If you would like the FCC to provide complaint service, where we contact the TV distributor involved on your behalf, I would need some more information as requested below:

1. The address to which you send your Cox Cable payment each month/or the address of the nearest Cox Cable TV office. phone number 949-240-1212 or 949-546-2000

Cox Communications

29947 Avenida De Las Bndra

Rancho Santa Margrta, CA 92688

2. Copies of any written correspondence with Cox Cable about your complaint with them. Please send this either as an email attachment in your reply to me or via Fax to the FCC at Fax (202) 418-8118, marked to my attention (J.Simpson).

If you do not have these hardcopies, please provide a summary log or diary

of your contacts with Cox Cable( e.g. via email, via relay service with the dates as best you remember them, etc.).

There were more contacts with Cox than this. And please note when reading / investigating this that the problem is in their system or all of the DVR boxes ( WHY DO THEY KEEP SENDING OUT SERVICE PEOPLE ?(HAVE THEM FIX IT AT THEIR END)

Prior to July 2005 ( I do not have the exact date. I called Cox support complaining (again ) about the closed captioning issue. They send a tech out. I was told by him that a "Phase 3 " box was coming out at the end of July, and to wait and contact Cox support. Call then at the end of July and request "Phase 3 Box" to replace mine because the phase 3 box would be compatible with my TV.

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In October, I made calls regarding the closed captioning issues and they said they did not know when the closed captioning would be fixed.

They have sent service reps out to my house many times concerning the closed captioning issue ( making TV signal either up or down each time - sometimes they said too much signal could cause the problem. service reps came out over 7 times since Jan. I called a lot more times than they came out

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NOT THE CUSTOMERS Equipment.

3. The make and model number of the HDTV set-top box involved with your complaint, and the date when you were provided this by Cox.

Originally I got it 8/27/2004 it was replaced about 8 times. (every time I had to reprogram it takes 1 to 2 hours)

the Latest one - Motorola DTC6412 III

4. You write that all the TV channels above 100 do not display the closed captioning. Please provide some examples of video programming on these TV channels that does not show the expected closed captioning. You can list as many as you like.

I have revised this in the spreadsheet in a 2 hour plus snapshot of COX channels.

see attached revised spread sheet Excel format. I can convert this to almost any format required.

We would need the Number and Name for each TV channel, and some Dates and Times and Names of shows/programs that did not have the closed captioning you expected.

see the farthest to right tab in spreadsheet.

----- Original Message -----

**From:** Jenifer Simpson

**To:** laquie451@hotmail.com

**Sent:** Friday, November 18, 2005 6:39 AM

**Subject:** RE: Your closed captioning complaint

We need the TV shows/programs that you watched, or started to watch, that did not have the closed captioning you expected.

We need information such as the TV Channel Name and Number + Name of Show/program + Date and Time it was shown + brief summary of problem.

Note that we cannot assume you watch 24 hours of TV a day and the rules do not require 24 hours of cc'g per day per TV channel.

Therefore, you must list specifically the programming that you see without cc'g.

Examples;

1. Channel 129, CourtTV:

Program called "The Judge's Decision," on Monday September 15th, 2005, at 4:45 pm, closed captioning disappeared after advertising started.

All three movies called, " The Big House," The Old House," "The Green House," shown on Tuesdays in November 2005, aired at 9-10p.m, no closed captioning at all.

2. Channel 45, BigMovieNetwork, movie called "The Real Story," on Friday October 10, 2005, between 6-8 pm, movie shown without closed captioning although marked with CC logo in the TV Guide.

You can send this listing as a separate file, but it must contain the relevant information to support your complaint.

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]  
**Sent:** Thursday, November 17, 2005 5:54 PM  
**To:** Jenifer Simpson  
**Subject:** Re: Your closed captioning complaint

regarding the following

4. You write that all the TV channels above 100 do not display the closed captioning. Please provide some examples of video programming on these TV channels that does not show the expected closed captioning. You can list as many as you like. We would need the Number and Name for each TV channel, and some Dates and Times "

may I submit the response as an excel spread sheet attached file? It would be simpler than a text file.

also there are 154 "music channels" (sort of like radio stations being played as a TV channel) do you want the listing of them also?

and as for the mane of the channel do you need it spelled out? or are the call sign letters ok IE SOAPP, GAC, EWTN. FLIVING, COURTP, G4....?

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Tuesday, November 15, 2005 11:14 AM  
**Subject:** Your closed captioning complaint

Dear Mr. Kalron,

I am sorry to read of these difficulties. If you would like the FCC to provide complaint service, where we contact the TV distributor involved on your behalf, I would need some more information as requested below:

1. The address to which you send your Cox Cable payment each month/or the address of the nearest Cox Cable TV office.

2. Copies of any written correspondence with Cox Cable about your complaint with them. Please send this either as an email attachment in your reply to me or via Fax to the FCC at Fax (202) 418-8118, marked to my attention (J.Simpson).

If you do not have these hardcopies, please provide a summary log or diary of your contacts with Cox Cable( e.g, via email, via relay service with the dates as best you remember them, etc.).

3. The make and model number of the HDTV set-top box involved with your complaint, and the date when you were provided this by Cox.

4. You write that all the TV channels above 100 do not display the closed captioning. Please provide some examples of video programming on these TV channels that does not show the expected closed captioning. You can list as many as you like.

We would need the Number and Name for each TV channel, and some Dates and Times and Names of shows/programs that did not have the closed captioning you expected.

For example:

"On Mondays, October 3, 10, 17, 24 and 31st and November 7, and 14, 2004 on TV Channel 125, The Big Art Channel, the following TV shows had the CC logo in the TV guide but were not shown with the cc'g intact: -- 7 pm- show called "Big Lie," and at 8 pm, program called "More Big Lies," etc.

You can send this list via Email in reply to me or via Fax number as noted above.

5. Anything else you think we should know such as how much you think you should be refunded, etc.

Your complaint has been assigned FCC 05-N96139. Please use this number in your reply. Thank you.

Regards,

Jenifer Simpson  
Consumer Inquiries & Complaints Division  
Consumer & Governmental Affairs Bureau  
FCC

YOU SENT EMAIL TO THE FCC AS FOLLOWS:  
laquie451@hotmail.com wrote on 11/10/2005 3:15:55 PM :

[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

Attn Disabilities Specialty Review:

This complaint is submitted regarding Cox Communications and their failure to correct a closed captioning problem with their service in Orange County,

California. This on-going problem has led to additional issues, which are detailed below.

I suffer from Post-Otitis Auditory Dysfunction (POAD). POAD is an intermittent and unpredictable hearing loss that includes deficiencies in auditory perception and development of phonemic awareness or the ability to recognize the separate sounds that make up a word. Because of this, I require closed captioning in order to fully understand the dialogue being broadcast.

For information on POAD see:

<http://alpha.fdu.edu/psychology/poad.htm>

#### Issue 1

It has been no less than eight months since I have made Cox Communications

aware of the fact that closed captioning displays only gibberish for most channels above 100 when using their High Definition DVR converter box. Their

television broadcast stations go well into the 700 series, which discloses

the magnitude of this problem. To date, they have made no attempt to correct

it. Also, All of the High Definition channels do not receive any closed captioning at all.

#### Issue 2

Not only has this problem existed for an unacceptable length of time, Cox

Communications obviously has no intention of correcting it. Every time I have contacted their customer service department, regarding this, I am consistently told that this is the first time they have been informed of it.

To further aggravate this deficiency, customer service habitually states that there must be a problem with the customer's TV or wiring inside their

house. Then they state that if the customer desires to have a Cox technician

come to their home, there will most likely be a service charge imposed.

The purpose of this tactic is two-fold. It improperly shifts the responsibility to the customer and dissuades them from pursuing any further

action with Cox Communications. After many of in-depth conversations I have

had with several Cox technicians, it is conclusive that the problem lies within the infrastructure of Cox Communication's system and/or equipment in

Orange County.

#### Issue 3

Cox Communications is doing everything possible to avoid dealing with this

issue. When I pressed them to rectify this inadequacy, one of their representatives finally admitted the problem is in their High Definition DVR

box. That individual offered two possible solutions. The first was to downgrade to a non-DVR box. To do so would result in receiving a lesser service. The second was to cancel their service and get a satellite dish. Both of these suggestions are not only unacceptable because it demands that people with disabilities to accept lesser services, but they also give rise to a more compelling question. What about fixing the problem? There are no other options for DVR service offered by Cox Communications, or by any third party, due to the nature of their digital service. This severely limits any alternative choices I may want to pursue and forces me to rely on their performance. Because of this, I will not give up on this issue and will press it until Cox Communications

complies with its legal responsibility as stated by the Americans with Disabilities Act.

RESOLUTION REQUESTED - COX FIX THE CLOSED CAPTIONING PROBLEM ON THEIR DVR BOXES WITHIN 30 DAYS OF THIS COMPLAINT, AS THEY HAVE ALREADY HAD OVER 8 MONTHS TO CORRECT IT. COX SHOULD BE FINED FOR FAILURE TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. ADDITIONALLY, COX SHOULD BE REQUIRED TO ISSUE A PARTIAL REFUND TO ALL CUSTOMERS, AS COX HAS DECEPTIVELY MADE IT SEEM LIKE IT IS A PROBLEM WITH THE CUSTOMERS EQUIPMENT.

I have Spoken to Cox customer service regarding the problems with their service many times (over 40 times)  
The last person I spoke to was Tanya 11/2/05 at 2:24pm

This is concerning my account with Cox Communications  
Account info as follows.

Also, I do not wish the following info to be given to 3rd partys, or be placed upon the internet.

Frank Kalron  
23932 Jarrow Ln  
Lake Forest, CA 92630  
949-581-4555

I expect to be contacted by a representative of the fcc regarding this.

\*\*\* END \*\*\*

**Pam Gregory**

---

**From:** laquie451@hotmail.com  
**Sent:** Thursday, May 11, 2006 1:22 AM  
**To:** Pam Gregory  
**Cc:** laquie351@hotmail.com  
**Subject:** Fw: Your closed captioning complaint

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Wednesday, April 26, 2006 11:20 AM  
**Subject:** RE: Your closed captioning complaint

Note that after the 45 day period in which Cox should reply to your complaint, you have 30 days in which to complete your complaint to the FCC.

When sending an unresolved cc'g complaint to the FCC, be sure to send a copy to the FCC of your original complaint letter to Cox, as well as a cover letter to the FCC. Also, you must copy Cox when you submit your complaint to the FCC, to let them know that you are now complaining to the FCC.

This process is described in the FCC regulations at 47 CFR Part 79.1(g) found on the FCC web site at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)

For any FCC enforcement to occur, if the FCC decides to take further steps, you must have followed this regulatory process.

J. Simpson

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]  
**Sent:** Tuesday, April 25, 2006 10:13 AM  
**To:** Jenifer Simpson  
**Subject:** Re: Your closed captioning complaint

any update on the COX FCC closed captioning complaint?  
it appears to be approaching 45 days since my last rebuttal to them. Nothing has been done on any of the cc issues since.  
file number 05-N96139

thanks.  
Is it a violation if they do not respond?

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Monday, March 13, 2006 2:47 PM  
**Subject:** RE: Your closed captioning complaint

If your complaint involves a TV channel or station that is asserting it is a new network -- as a defense to a complaint about lack of closed captioning -- the FCC would review such a response from the video programming distributor to discern if a particular TV channel is a new network or not, or whether there is

5/16/2006

a permitted exemption for the video programming specified.

That is, when you submit all your complaint information to the FCC you must include channel numbers/call signs and names in the closed captioning complaint submitted to the FCC, as well as specific dates/times/names of shows that you allege do not have closed captioning. The FCC does not make determinations of this sort by email since there may a specific exemption that applies.

ABC and CBS are examples of networks. So also is something like "Arts & Entertainment" (A&E) that can only be seen on a channel provided by a cable or satellite TV distribution system.

A TV station is a facility that is licensed by the FCC to broadcast. Typically, these are local ABC or CBS or Fox affiliates, etc. and have call signs, e.g., "WABC-TV Channel 4, Anytown, USA." However, this TV channel # (for the TV station) may vary on a cable or satellite system as it would depend on how the cable or satellite TV distributor has set up its "line up" for the local broadcast stations that it is distributing to its subscribers.

Please note that, by regulation, "Video programming includes advertisements of more than five minutes in duration but does not include advertisements of five minutes' duration or less." See *definition at 47 CFR Part 79.1(a)(1)*

Therefore any new English language programming that is longer than 5 minutes should be closed captioned unless it has a permitted exemption.

If you wish, please review FCC regulations for closed captioning. These are on the FCC web site at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]

**Sent:** Monday, March 13, 2006 3:17 PM

**To:** Jenifer Simpson

**Subject:** Re: Your closed captioning complaint

I am preparing a rebuttal to Cox communications response to complaint.

I have a few questions.

In regards to

"(9) Programming on new networks. Programming on a video programming network for the first four years after it begins operation, except that programming on a video programming network that was in operation less than four (4) years on January 1, 1998 is exempt until January 1, 2002. "

what defines a "new network"?

what is the difference between "a network" and "a station"

are the high definition stations all "new networks"

KOCE - an old network, now also produces KOCE HD - is this exempt as a new network?

KTLA (or UPN) and WB are creating a new channel (or network) together, Is this one going to be exempt for 4 years?

From reading the FCC closed captioning rules, I seem to understand "promotional announcements " less than 10 minutes are exempt. What about infomercials?

They are usually at least 30 minutes.

and what about commercials, are they exempt?

6) Interstitial, promotional announcements and public service announcements.

Interstitial material, promotional announcements, and public service announcements that are 10 minutes or less in duration.

THE INFOMERCIALS ARE MORE THAN 10 Minutes.

Need a response as soon as possible.  
Thank you

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Tuesday, February 07, 2006 7:40 AM  
**Subject:** RE: Your closed captioning complaint

Yes, you must inform the distributor that you are filing a complaint with the FCC, pursuant to FCC regulations at 47 CFR, Part 79.1(g)(4).  
Regulations are on the website at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]  
**Sent:** Tuesday, February 07, 2006 10:34 AM  
**To:** Jenifer Simpson  
**Subject:** Re: Your closed captioning complaint

Only one of the issues has been resolved. the rest have not.  
I will be emailing you a report on it in a few days.  
Will I also need to mail a copy to Cox?

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Tuesday, December 13, 2005 10:38 AM  
**Subject:** RE: Your closed captioning complaint

Your allegation may involve two statutory requirements found in the Telecommunications Act. Note that, for complaint service purposes, an allegation is not a violation.

1. For closed captioning (or "Video Programming Accessibility"):  
Statute: Sections 711 and 713 of the Telecommunications Act (47 USC 613)  
Regulations at 47 CFR, Part 79.1
2. For decoder circuitry in tv receiving apparatus ("Television Decoder Circuitry Act of 1990" or "Prohibition on the shipment of certain television receivers"):  
Statute: Sections 303(u) and 330(b) of the Telecommunications Act (47 USC 330)  
Regulations: 47 CFR Part 15.119 and 15.122.

USC is "United States Code."  
CFR is "Code of Federal Regulations."

Please keep me informed how Cox responds to your letter of 12/2/05. Note that they have about 45 days in which to resolve your concern.

In your letter it appears you state the following: "(It is their service not living up to FCC Rules)". This may be sufficient in terms of specificity about the FCC's regulations.

Thank you for keeping me informed.

J. Simpson  
CICD  
CGB  
FCC

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]

**Sent:** Tuesday, December 13, 2005 12:03 PM

**To:** Jenifer Simpson

**Cc:** laquie451@hotmail.com

**Subject:** Re: Your closed captioning complaint

I sent the following to Cox on 12/2/05 it was delivered on 12/05  
Is this letter sufficient wording to continue filing a complaint with the commission?  
I noticed that I did not include the specific commission rule violated, I need some  
assistance with that.  
could you tell me based upon what I have submitted so far, what commission  
rules were violated.  
Thanks

12/02/05

Dear Cox Communications

Attn Duffy Leone

Cox Communications

29947 Avenida De Las Banderas

Rancho Santa Margarita, CA 92688

I am writing this letter to complain about the Closed Caption service on the Motorola DTC6412 III. For at least 8 months, the closed captioning service has not worked properly, due to an apparent problem at Cox. I have attempted many times to get this fixed. I have been told Cox would be fixing it soon, it never happened. On multiple occasions, the Motorola DTC6412 III set top box has been replaced. This has never corrected the problem. Just wasted a lot of my time reprogramming the shows back and losing forever shows I wanted to retain.

I have taken upon myself to compile some information on what channels have problems with closed captioning. Please refer to the 6-page document attached (to see the printout in correct order place the pages in the following placement format)

5/16/2006

1 2

3 4

5 6

**cc ok** means after viewing the channel for a few minutes, the closed captioning displayed readable words. This is not saying that it worked 100% correct. There is usually a fair amount of miscellaneous errors like missing words or sentences. **There were 61 of these at the time**

**NONE** means at the time of my reviewing the channel no closed captioning displayed even after waiting up to 4 minutes. **There were 20 channels with no closed captioning**

**GIBBERISH** means the closed captioning displayed is intelligible.

*an example of gibberish* is actor says " The cat fell off the ledge" and Closed Captioning shows "htkfs sdfja djlfsa lojj j jl " **there were 21 channels in gibberish out of 102**

Also attached is a 2 page listing of some of the shows I attempted to watch over a 1 week period that contained closed captioning as gibberish.

My Cox account is

Frank Kalron

23932 Jarrow ln

Lake Forest, CA 92630

949-581-4555

Account 501-7601-010026804

I would like this to be fixed within the next 30 days.

A response is requested.

Rough listing of some of the contacts with customer service

There were more contacts with Cox than this. And please note when reading / investigating this that the problem is in their system or all of the DVR boxes ( WHY DO THEY KEEP SENDING OUT SERVICE

## PEOPLE ?(HAVE THEM FIX IT AT THEIR END)

Prior to July 2005 ( I do not have the exact date. I called Cox support complaining (again ) about the closed captioning issue. They send a tech out. He told me that a "Phase 3 " box was coming out at the end of July, and to wait and contact Cox support. Call then at the end of July and request "Phase 3 Box" to replace mine because the phase 3 box would be compatible with my TV.

In June 2005 (I Spoke to Tanya in their main complaint dept after getting tired of the std support reps.) I was to be given a service credit for the prior 3 months of (the digital box rental) due to service problems relating to basic functionality of the DVR box . At this time I also complained about the Closed captioning problems. (they credited me the 44.70 for 14.90x3 on the 10/05/05 billing cycle after I complained about that too.)

on the same call, I was also supposed to receive a service credit for the NEXT 3 months of (the digital box rental) due to service problems relating to basic functionality of the DVR box including closed captioning service issues, as they said they would not fixing the problem for at least 3 months "at least not until October. 2005 (they credited me the 44.70 for 14.90x3 on the 11/05/05 billing cycle after I complained A LOT about that too they also told me at this time that a comment was added to my file stating no service for service problems to be given to me. (It is their service not living up to FCC Rules )

In October, I made calls regarding the closed captioning issues and they said they did not know when the closed captioning would be fixed.

They have sent service reps out to my house many times concerning the closed captioning issue ( making TV signal either up or down each time -sometimes they said too much signal could cause the problem. service reps came out over 7 times since Jan. I called a lot more times than they came out

11/2/2005 1:35pm Cox rep Sharron ISSUE I Reported issue with closed captioning on digital channels

RESPONSE Employee was unaware of the Cox problem; Had to research it Put me on hold for 7 min. She then came back aware of issue and did not have any idea on ETA. (probably read comments on my file)

11/2/2005 2:24pm Cox rep Tanya ISSUE Recording and Closed captioning problems status Told That "you can DOWN GRADE to a non DVR BOX. Or why don't you just switch to satellite?"

on 12/01/05 I called Cox - service rep Andy I asked If he was aware of the closed captioning issue in Orange County with DVR boxes. He said no. He stated the usual reasons Cox tells customers " the problem is in your TV" COX IS STILL NOT TELLING CUSTOMERS THE PROBLEM IS ON COXs END, NOT THE CUSTOMERS Equipment.

----- Original Message -----

**From:** Jenifer Simpson  
**To:** laquie451@hotmail.com  
**Sent:** Friday, December 02, 2005 8:26 AM  
**Subject:** RE: Your closed captioning complaint

Dear Mr. Kalron,

Thank you for sending in additional material (Excel files and other email statements) about your allegations that Cox Cable is not providing closed captioning in compliance with FCC requirements. Below is one step you should take and another we will take.

1. FCC regulations require consumers to **first contact in writing** the TV distributor, i.e., Cox Cable, if there are problems with closed captioning. In your original email you wrote: " It has been no less than eight months since I have made Cox Communications aware of the fact that closed captioning displays only gibberish for most channels above 100 when using their High Definition DVR converter box. "

Please send us a copy of your written complaint letter to them and any response they may have provided. If you have not already done this, **I recommend you send a letter to Cox Cable immediately about the problem, enclosing the Excel listings that you developed and the history of your contacts with customer service. If you do not receive a written response from them within 45 days, or their written response is unsatisfactory, please contact me directly again. (Please send these copies to FAX 202-418-8118, marked to my attention).**

Please note that FCC regulations for closed captioning are found at 47 CFR, Part 79.1 (see on website at [http://www.fcc.gov/cgb/dro/captioning\\_regs.html](http://www.fcc.gov/cgb/dro/captioning_regs.html)) These regulations were promulgated in 1997 as a result of a statutory change in the Telecommunications Act of 1996, not the Americans with Disabilities Act (ADA). The FCC enforces the Telecommunications Act of 1996. Generally, the ADA is enforced by the U.S. Department of Justice.

2. Your complaint includes information about a cable TV set top box, or TV receiving apparatus. It appears you are also alleging a violation of the Television Decoder Circuitry Act of 1990. We will serve a Notice to them about this on your behalf. You will receive a copy.

Thank you.

J. Simpson  
CICD  
CGB  
FCC

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]  
**Sent:** Friday, December 02, 2005 1:48 AM  
**To:** Jenifer Simpson  
**Subject:** Re: Your closed captioning complaint

**Now lets get this ball rolling, I would like to be updated with the status of this.**

***This email should provide all the information requested by you to get this going.***

Also, this is more than a "complaint". If Cox is violating "the Americans with Disabilities Act. ", as I am stating they are, what does the FCC do other than write a letter scolding them? This affects a lot more people than just me. Is the the Americans with Disabilities Act just a rough guideline for TV service providers? Can they just adhere to it whenever they want to? WHO ENFORCES NON-COMPLIANCE?

I saw this on the internet

National Organizations Call on FCC to Address Quality Issues in Closed Captioning

Responding to chronic problems with captioning on broadcast and cable television, Association of Late-Deafened Adults (ALDA), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), National Association of the Deaf (NAD) and Self-Help for the Hard of Hearing People (SHHH) have joined forces with TDI to file a petition to the Federal Communications Commission (FCC), asking that the FCC address long-standing quality issues in closed captioning of all broadcast, cable and satellite television programming for viewers who are deaf, hard of hearing or late-deafened.

<http://www.adawatchorg/ClosedCaptioning.htm>

Very sad

Status - Cox last did a DVR reprogramming update on 12/1/05 and there was no change in the Closed Captioning issue

I am sorry to read of these difficulties. If you would like the FCC to provide complaint service, where we contact the TV distributor involved on your behalf, I would need some more information as requested below:

1. The address to which you send your Cox Cable payment each month/or the address of the nearest Cox Cable TV office. phone number 949-240-1212 or 949-546-2000

Cox Communications

29947 Avenida De Las Bndra

Rancho Santa Margrta, CA 92688

2. Copies of any written correspondence with Cox Cable about your complaint with them. Please send this either as an email attachment in your reply to me or via Fax to the FCC at Fax (202) 418-8118, marked to my attention (J.Simpson).

If you do not have these hardcopies, please provide a summary log or diary of your contacts with Cox Cable( e.g, via email, via relay service with the dates as best you remember them, etc.).

There were more contacts with Cox than this. And please note when reading / investigating this that the problem is in their system or all of the DVR boxes ( WHY DO THEY KEEP SENDING OUT SERVICE PEOPLE ?(HAVE THEM FIX IT AT THEIR END)

Prior to July 2005 ( I do not have the exact date. I called Cox support complaining (again ) about the closed captioning issue. They send a tech out. I was told by him that a "Phase 3 " box was coming out at the end of July, and to wait and contact Cox support. Call then at the end of July and request "Phase 3 Box" to replace mine because the phase 3 box would be compatible with my TV.

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3. The make and model number of the HDTV set-top box involved with your complaint, and the date when you were provided this by Cox.

Originally I got it 8/27/2004 it was replaced about 8 times. (every time I had to reprogram it takes 1 to 2 hours)

the Latest one - Motorola DTC6412 III

4. You write that all the TV channels above 100 do not display the closed captioning. Please provide some examples of video programming on these TV channels that does not show the expected closed captioning. You can list as many as you like.

I have revised this in the spreadsheet in a 2 hour plus snapshot of COX channels.

see attached revised spread sheet Excel format. I can convert this to almost any format required.

We would need the Number and Name for each TV channel, and some Dates and Times and Names of shows/programs that did not have the closed captioning you expected.

see the farthest to right tab in spreadsheet.

----- Original Message -----

**From:** Jenifer Simpson

**To:** laquie451@hotmail.com

**Sent:** Friday, November 18, 2005 6:39 AM

**Subject:** RE: Your closed captioning complaint

We need the TV shows/programs that you watched, or started to watch, that did not have the closed captioning you expected.

We need information such as the TV Channel Name and Number + Name of Show/program + Date and Time it was shown + brief summary of problem.

Note that we cannot assume you watch 24 hours of TV a day and the rules do not require 24 hours of cc'g per day per TV channel.

Therefore, you must list specifically the programming that you see without cc'g.

Examples;

1. Channel 129, CourtTV:

Program called "The Judge's Decision," on Monday September 15th, 2005, at 4:45 pm, closed captioning disappeared after advertising started.

All three movies called, " The Big House," The Old House," "The Green House," shown on Tuesdays in November 2005, aired at 9-10p.m, no closed captioning at all.

2. Channel 45, BigMovieNetwork, movie called "The Real Story," on

Friday October 10, 2005, between 6-8 pm, movie shown without closed captioning although marked with CC logo in the TV Guide.

You can send this listing as a separate file, but it must contain the relevant information to support your complaint.

-----Original Message-----

**From:** laquie451@hotmail.com [mailto:laquie451@hotmail.com]

**Sent:** Thursday, November 17, 2005 5:54 PM

**To:** Jenifer Simpson

**Subject:** Re: Your closed captioning complaint

regarding the following

4. You write that all the TV channels above 100 do not display the closed captioning. Please provide some examples of video programming on these TV channels that does not show the expected closed captioning. You can list as many as you like. We would need the Number and Name for each TV channel, and some Dates and Times "

may I submit the response as an excel spread sheet attached file? It would be simpler than a text file.

also there are 154 "music channels" (sort of like radio stations being played as a TV channel) do you want the listing of them also?

and as for the mane of the channel do you need it spelled out? or are the call sign letters ok IE SOAPP, GAC, EWTN. FLIVING, COURTP, G4....?

----- Original Message -----

**From:** Jenifer Simpson

**To:** laquie451@hotmail.com

**Sent:** Tuesday, November 15, 2005 11:14 AM

**Subject:** Your closed captioning complaint

Dear Mr. Kalron,

I am sorry to read of these difficulties. If you would like the FCC to provide complaint service, where we contact the TV distributor involved on your behalf, I would need some more information as requested below:

1. The address to which you send your Cox Cable payment each month/or the address of the nearest Cox Cable TV office.

2. Copies of any written correspondence with Cox Cable about your complaint with them. Please send this either as an email attachment in your reply to me or via Fax to the FCC at Fax (202) 418-8118, marked to my attention (J.Simpson).