

#2604413 Hawaii Volcano eruption

Submitted June 29, 2018, 1:38 PM
Received via Web Form
Requester Canthecant <canthecant@gmail.com>

CCs

Sherita Kennedy <sherita.kennedy@fcc.gov>

Status	Type	Priority	Group	Assignee
Open	-	-	DRO - Main Form	Sherita Kennedy

Complaint Internal Status	Carrier	Serve Due Date	TV Method	Accessibility Issues		
Carrier Response Pending	Dec 10		Cable	Emergency Information on TV		
First Name	Last Name	State	Zip Code	Time of Issue	Date of Issue	TV channel
Darlene	Ewan	Hawaii	96813	6:00 pm	May 17	9
City Where Program was Viewed/Heard	City of Company Complaining About					
Honolulu	Honolulu					
State of Company Complaining About	Preferred Method of Response	Network				
Hawaii	Email	CBS				
Zip Code of Company Complaining About	Call Sign	State Where Program was Viewed/Heard				
96815	KFVE	Hawaii				
Address 1	City	Name of Subscription Service				
2565 Ala Wai Boulevard	Honolulu	Other				
Subscription Service Name (Other)						
Spectrum						

Canthecant Jun 29, 1:38 PM

No emergency information

Sherita Kennedy Jul 5, 9:50 AM

Internal note

OFFICIAL NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that Darlene Ewan filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide emergency information in an accessible manner for video programming shown on television. We are investigating 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 79.2(c) of the Commission's rules, 47 C.F.R. § 79.2(c).

This Notice of Informal Complaint (Notice or NOIC) directs your company, as the Broadcaster or Multichannel Video Programming Distributor (MPVD), to respond fully and directly to each and every material allegation raised in the informal complaint. In your response, please provide an explanation of why you believe you are in compliance with controlling law. If you need to take steps to satisfy the informal complaint and come into compliance, please summarize your proposed actions and the timeframe for completion. Please also include some form of recording (CD, DVD, VHS) of the time(s) and date(s) of the complained about event(s). Your response is due no later than thirty (30) days from the date of this Notice.

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 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.

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 publically 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 DROcarriersupport@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.

Sherita Kennedy Jul 5, 9:56 AM

Internal note

NOIC served via email to jfink@kfve.com

Sherita Kennedy Aug 6, 11:36 AM

Internal note

KFVE response

Sherita Kennedy Oct 23, 10:26 AM

Dear Darlene Ewan:

This is to advise that we are continuing to evaluate the facts and circumstances surrounding the captioning problems at issue in this Complaint.

We hope to take further action, as circumstances warrant, in the very near term, and thank you for your patience in the interim.

Sincerely,

Sherita Kennedy
Disability Rights Office

Sherita Kennedy Nov 9, 8:17 AM

Internal note

OFFICIAL FURTHER NOTICE OF INFORMAL COMPLAINT

The Federal Communications Commission (FCC or Commission) is serving your company with this further notice of informal complaint that Darlene Ewan filed with the Disability Rights Office (DRO). The informal complaint concerns obligations to provide emergency information in an accessible manner for video programming shown on television. We are investigating 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 79.2(c) of the Commission's rules, 47 C.F.R. § 79.2(c).

This Further Notice of Informal Complaint (Notice or NOIC) directs your company, as the Broadcaster or Multichannel Video Programming Distributor (MPVD), to respond fully and directly to each and every material allegation raised in the informal complaint. In your response, please provide an explanation of why you believe you are in compliance with controlling law. If you need to take steps to satisfy the informal complaint and come into compliance, please summarize your proposed actions and the timeframe for completion. Please also include some form of recording (CD, DVD, VHS) of the time(s) and date(s) of the complained about event(s). Your response is due no later than thirty (30) days from the date of this Notice.

NOTE: *In its August 2, 2018 response, it appears that KFVE admits or acknowledges that its programming airing around 6:30 p.m. May 16, 2018 (not 6:00 p.m. as had been incorrectly alleged in the complaint) failed to ensure accessible emergency information pursuant to our rules (i.e., 47 C.F.R. § 79.2). Please confirm.*

Further, KFVE advised that it determined, on July 9, 2018, that it would “move[] to live captioning for [its] newcasts . . . while [it] work[ed] to refine [its] use of ENT.” In that regard:

- *Please advise whether KFVE has transitioned back to ENT since then and, if so,*
- - *(i) when the transition back to ENT took place,*
 - *(ii) what “refinements”, if any, KFVE made to its “use of ENT”, and*
 - *(iii) whether any such “refinements” have been applied across the stations participating in the “shared services agreement” under the “Hawaii News Now” brand.*
- *Also, please advise of the status and results of any monitoring KFVE has conducted with respect to those “refinements”, and to ensure compliance with the Commission’s ENT rules (47 C.F.R. § 79.1) and emergency information rules (79.2). In this regard, please also include the status of any ongoing training or related efforts to ensure compliance as described in the station’s August 2, 2018 response.*

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 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.

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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 publically 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 DROcarriersupport@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.

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