



December 4, 2018

Via Electronic Mail

Ms. Sherita Kennedy
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: KFVE (TV), Honolulu, Hawaii
Facility Identification Number 36917
FCC Informal Complaint Ticket No. 2604413
Response to Notice of Informal Complaint

Dear Ms. Kennedy:

HITV License Subsidiary, Inc., licensee of KFVE (TV), Honolulu, Hawaii (“KFVE” or the “Station”), hereby responds to the further notice of informal complaint which was forwarded by the Federal Communications Commission to KFVE on November 9, 2018 (the “Further Notice”). In the Further Notice, the Commission requests additional information regarding KFVE’s August 2, 2018 response (the “Original Response”) to the informal complaint referenced above.

In our Original Response, KFVE explained that, as is permitted under FCC rules, the Station’s news coverage was captioned in compliance with the Commission’s rules using the enhanced Electronic Newsroom Technique (“ENT”). However, in an abundance of caution, the Station moved to live captioning for our newscasts as of July 9 while we worked to refine our use of enhanced ENT. As of the date of this letter, we are still using live captioning for our newscasts. In the meantime, we have continued to train our staff on captioning issues. For example, station news leadership has conducted monthly discussions during producer meetings that were dedicated to captioning issues, and all news managers have increased their monitoring of newscast captioning. Further, although we are still currently using live captions, station news personnel have been required to provide the texts for each newscast that they would need to provide if the station was solely using ENT. We have reviewed those submissions and confirmed that if the station was solely using ENT (which it is not), the station would meet (and often exceed) the FCC’s enhanced ENT requirements. Accordingly, we have confidence that once the station moves back to using enhanced ENT, it will be in compliance with FCC rules.

The Further Notice also asks whether KFVE complied with FCC emergency programming rules during its 6:30 p.m. newscast on May 16, 2018. KFVE believes it did

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comply with its obligation to ensure accessible emergency information under 47 C.F.R. Section 79.2 because the information conveyed during the Station's 6:30 p.m. newscast on May 16, 2018 was not "emergency information" as defined under FCC rules.

Specifically, the lead story in the 6:30 p.m. newscast on May 16, 2018 concerned further developments with Kilauea, a volcano on the Big Island of Hawaii. Kilauea began erupting two weeks earlier, on May 3, 2018, and evacuation orders and other safety information was disseminated at that time. On May 16, a live reporter opened the KFVE newscast with a story about cracks that had emerged that day on Highway 11 in Hawaii Volcanoes National Park. The cracks were caused by an earthquake that occurred just before noon that morning. The story explained that the road was still open to traffic, although motorists were being told not to stop or pull over while driving through the area. On-screen banners during the story told viewers that there were "Cracks on Highway 11" in "Hawaii Volcanoes National Park," "Strong Earthquakes Reported by USGS," "More Earthquakes Expected," and "USGS Warns It Could Cause More Damage." The story then showed an interview with the Hawaii County Civil Defense Administrator discussing the earthquakes, the cracks in the road, and how the road remained open to traffic. This interview was captioned. A copy of this news story is attached to the email that contained this response.

The station did not consider this news story to be "emergency" programming. The story was reporting on road cracks caused by an earthquake but the road was still open and there was no "current emergency" discussed in the story. Further, the visual banners shown during the story provided viewers with the most important information (there were cracks in Highway 11 and more earthquakes were expected). Given that local viewers surely were aware of the ongoing eruption of Kilauea (an eruption that lasted for almost five months), the Station's news story about cracks in a road that remained open was not "emergency information" under FCC rules.

KFVE is fully committed to serving all of our viewers and we take our obligation under FCC rules to provide viewers with closed captioning and accessible emergency information very seriously. We are pleased to have improved our captioning process as a result of these inquiries, and we are always interested in what we can do to better serve our local community. Please do not hesitate to contact me with any further questions or concerns. I can be reached by phone at 808-847-9328 or by email at jfink@kfve.com.

Sincerely,



John L. Fink
General Manager
KFVE (TV)

cc (via email): Ms. Darlene Ewan