

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Hawaii Public Television Foundation
Licensee of DTV Educational Station KHET
Facility ID# 26431
Honolulu, Hawaii

File No. EB-FIELDWR-12-00002191

NOV No. V201232860012

NOTICE OF VIOLATION

Released: May 11, 2012

By the Resident Agent, Honolulu Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to Hawaii Public Television Foundation, licensee of DTV educational broadcast station KHET in Honolulu, Hawaii. This Notice may be combined with a further action, if further action is warranted.²

2. On March 1, 2012, and May 1, 2012, an agent of the Enforcement Bureau's Honolulu Office monitored DTV broadcast station KHET, channel 11.2, located in Honolulu, Hawaii, and observed the following violation:

47 C.F.R. § 11.61(a)(1)(i): “Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code...must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State.”

The agent found that KHET did not retransmit the required monthly test issued by Hawaii State Civil Defense on May 1, 2012, and no audio script was heard on the March 1, 2012, required monthly test.

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

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3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation and any remedial actions the station may have taken. Therefore, Hawaii Public Television Foundation, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct Hawaii Public Television Foundation, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Hawaii Public Television Foundation, with personal knowledge of the representations provided in Hawaii Public Television Foundation's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Honolulu Office
P.O. Box 971030
Waipahu, Hawaii 96797-1030

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. This Notice shall be sent to Hawaii Public Television Foundation, at its address of record.
7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION



Ryan Hagihara
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).