



FEDERAL COMMUNICATIONS COMMISSION  
Enforcement Bureau  
Spectrum Enforcement Division  
445 12<sup>th</sup> Street, S.W.  
Washington D.C. 20554

April 24, 2008

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Hawaii Public Television Foundation**  
**Licensee of station KMEB**  
**P.O. Box 11673**  
**Honolulu, HI 96828**

**Re: File No. EB-08-SE-288**

Dear Licensee:

By this letter, we admonish you for failing to file in a timely manner with the Commission a digital television ("DTV") consumer education quarterly activity report in violation of section 73.3527(e)(13) of the Commission's Rules ("Rules").<sup>1</sup>

On February 19, 2008, the Commission adopted DTV consumer education outreach requirements intended to promote consumer awareness of the upcoming DTV transition.<sup>2</sup> Under these requirements, each full-power broadcast station must provide on-air information to its viewers about the DTV transition by complying with one of three alternative sets of rules, and must file with the Commission a quarterly report (FCC Form 388) detailing its DTV consumer education efforts. The first report, covering the first quarter of 2008, was due no later than April 10, 2008. Additional reports are due by the tenth day of each succeeding calendar quarter until the final quarter of the station's mandatory education efforts, which, for most stations, ends on March 31, 2009.<sup>3</sup>

As of the date of this letter, the Commission has no record of receiving a Form 388 for the above-listed station. Based on the information before us, we find that your station has apparently failed to timely file its first DTV consumer education quarterly activity report. We conclude that a sanction is appropriate. Given the totality of the circumstances, including the recent effective date of the relevant rules and the limited

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<sup>1</sup> 47 C.F.R. § 73.3527(e)(13).

<sup>2</sup> See *DTV Consumer Education Initiative*, Report and Order, 23 FCC Rcd 4134 (2008) ("*DTV Consumer Education Order*").

<sup>3</sup> *Id.* at ¶¶ 24, 33, 35. Stations that must continue their educational efforts beyond March 31, 2009 must also continue to file these quarterly reports, up to and including the final quarter in which they have educational requirements. *Id.* at ¶¶ 11 n.27, 24, 33, 35.



Hawaii Public Television Foundation  
Page 2


content of the first quarterly report,<sup>4</sup> while we find that no monetary penalty is warranted at this time, we find that an admonishment is necessary to redress the rule violations.

Accordingly, we **ADMONISH** you for failing to file with the Commission on a timely basis a DTV consumer education quarterly activity report as required under section 73.3527(e)(13) of the Rules. We caution you that future violations of this requirement may result in additional sanctions, including monetary penalties.

Please direct any questions regarding this letter to Kevin Pittman at 202-418-1160.

Kevin.Pittman@FCC.gov

Sincerely,

  
for Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau

<sup>4</sup> Section 73.3527(e)(13) of the Rules requires broadcasters to file quarterly reports describing their educational efforts regarding the digital transition. 47 C.F.R. § 73.3527(e)(13). The first reports should have described those efforts performed between the effective date of the rules adopted in the *DTV Consumer Education Order* and the end of the first quarter of 2008. Because those rules only became effective on March 31, 2008, however, the broadcaster reports at issue here did not need to contain as much substantive information as we would expect in future reports.



**Steve Komori**

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**From:** Kevin Pittman [Kevin.Pittman@fcc.gov]  
**Sent:** Thursday, May 01, 2008 10:35 AM  
**To:** Steve Komori  
**Subject:** RE: File No. EB-08-SE-288

Aloha Mr. Komori,

We have received the attachment for KMEB/KHET. Thank you for your response. Upon confirmation, the Commission will cancel letters of admonishment for all timely filed reports.

Sincerely yours,

Kevin M. Pittman  
Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission

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**From:** Steve Komori [mailto:SKomori@pbshawaii.org]  
**Sent:** Thursday, May 01, 2008 4:26 PM  
**To:** Kevin Pittman  
**Cc:** Gray, Todd  
**Subject:** Re: File No. EB-08-SE-288

Aloha Kevin,

Thank you for taking the time yesterday to talk to me regarding the Admonishment letter we received. I have located the KHET report that was filed on April 9 – it is at [http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6519872822](http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519872822). Unfortunately when it was filed, the person filing it used their own name when filling in the "On behalf of:" portion of the cover sheet.

As you may note, we, in good faith, filled out the form using both KHET and KMEB in the Station Call Sign(s) area to cover filing for both stations with one form since our understanding of KMEB is that it is a FCC designated flash-cut satellite station of KHET. We apologize for the misunderstanding and respectfully request that the Admonishment for station KMEB be rescinded. After our conversation yesterday, I immediately took steps to file Form 388 for KMEB as instructed.

Additionally, there was a mistake with regards to the digital channel number. Instead of Channel 10, KHET's companion digital channel is 18. Should you wish for me to file a corrected Form 388 report, please let me know and I will immediately do so.

I thank you for your understanding and patience while we get used to the new form and its reporting method.

Aloha,  
Stephen Komori

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