



WASHINGTON, DC

April 12, 2019

Via Electronic Mail (Sherita.Kennedy@fcc.gov)

Federal Communications Commission  
Disability Rights Office  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
Attention: Ms. Sherita Kennedy, Telecommunications Accessibility Specialist

RE: Notice of Informal Complaint  
Station KITV(DT), Honolulu, HI  
Facility ID No. 64548  
FCC Complaint Ticket No. 2501999

Dear Ms. Kennedy:

This firm is counsel to KITV, Inc. (“KITV”), the licensee of television station KITV(DT), Honolulu, Hawaii, Facility ID No. 64548 (the “*Station*”). In connection with the above-referenced Notice of Informal Complaint, the Disability Rights Office (“*DRO*”) of the Federal Communications Commission (“*FCC*”), by electronic mail dated March 13, 2019, requested that KITV “continue to monitor its 79.1 (ENT) rules compliance, as described in KITV’s responses, for an additional 60 days from this letter, and share the results of that monitoring (compliance observations and any remedial activity) with DRO and the complainant in reports submitted under the 2501999 ticket (*i.e.*, at the 30-day and 60-day marks).” By electronic mail dated March 18, 2019, KITV agreed to provide these reports. This letter serves as KITV’s report as of the 30-day mark and covers the period from March 13, 2019 through April 12, 2019 (the “*First Monitoring Period*”).<sup>1</sup>

KITV has continued to utilize the additional caption monitoring policies it described in its December 7, 2018 response to the DRO, which included caption monitoring at its master control facility, the installation of an automated monitoring system that monitors the Station’s video feed, additional training and instructions for news staff, and monitoring of the captions in the

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<sup>1</sup> Note that this letter is being filed on April 12, 2019. We will supplement the report if there are any compliance observations to add for programming aired on April 12, 2019.



programming live via in-studio monitors. During the First Monitoring Period, the Station experienced a few instances of ENT captioning errors that primarily fall into two categories. In each instance, KITV detected the problem and quickly instituted new procedures to avoid their reoccurrence.

The first error category resulted from mistakes related to a live captioner who started in March. KITV retained the live captioner to provide real time captions for the Good Morning Hawaii program (“*GMH*”) from 5:45 a.m. to 6:45 a.m., Monday-Friday, and from 6:45 a.m. to 7:45 a.m. on Saturday and Sunday. KITV implemented live captioning for GMH because GMH often includes a number of live interviews. In connection with the implementation of this new live captioning, there were a few minor instances during the transition from live captioning to the captioning provided by the teleprompter under the enhanced ENT procedures. On March 21, 2019 and April 6, 2019, the teleprompter was not re-initiated after the live captioning ended. On April 5, 2019, the live captioner logged in early, overriding the captions sent by the teleprompter. KITV has since implemented additional procedures and training in an effort to ensure that the live captioner does not log in early and that KITV staff promptly re-initiate the teleprompter when the live captioning is complete.

The second error category resulted from equipment malfunctions. In connection with system maintenance, KITV’s system automatically switched from a primary path to a back-up path. The back-up path utilizes an EN91 encoder, which removed all captions from the programming. For this reason, captions did not run in GMH on March 27, 2019 or in the Island News Midday program on March 28, 2019 during the period that the KITV back-up path aired. In an effort to address the captioning issue when operating on the back-up path, KITV has purchased a new encoder. KITV has also modified the system so that the switch from the primary path to the secondary path will not occur automatically and must be manually triggered.

KITV continues to see much improvement in its staff’s work with the teleprompter system following KITV’s training efforts and caption monitoring. During the First Monitoring Period, KITV observed only two caption issues due to staff error with the teleprompter system. Captions did not run for a news story that aired in GMH at 5:30 a.m. on March 18, 2019 or for another news story that aired in GMH at 5:30 a.m. on March 22, 2019. In both cases, the reporter prepared a script for the news story, but the script was not saved properly in the teleprompter system. KITV re-trained the staff involved in the script saving errors.



Ms. Sherita Kennedy  
April 12, 2019  
Page 3

If there are any additional questions regarding this report, please contact Nancy A. Ory (nory@lermansenter.com or 202-416-6791), KITV's FCC counsel.

Sincerely,

A handwritten signature in cursive script that reads "Nancy A. Ory".

Nancy A. Ory  
*Counsel to KITV, Inc.*

cc: Ms. Darlene Ewan, via email (canthecant@gmail.com)