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W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)

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WRITER'S DIRECT DIAL

July 14, 2010

Mr. Ryan Hagihara
Resident Agent, Honolulu Office
Western Region Enforcement Bureau
Federal Communications Commission
P.O. Box 971030
Waipahu, Hawaii 96797-1030

Via USPS Express Mail

Re: Notice of Violation, File No. EB-10-HL-0101; NOV No. V201032860013

Dear Mr. Hagihara:

This firm is counsel to Hearst Stations Inc., Antenna Structure Registrant ASR # 1019034, Honolulu, Hawaii ("Hearst"). On behalf of Hearst, enclosed please find an original and two copies of Hearst's response to the above-referenced Notice of Violation, issued June 15, 2010. By email correspondence dated July 1, 2010, you kindly granted Hearst a brief extension of time in which to submit its response, through and including July 15, 2010.

Should any questions arise in considering this matter, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.


Stephen Hartzell
Counsel to Hearst Stations Inc.

Enclosures

cc: Ryan Hagihara, FCC (via email)

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Hearst Stations, Inc.)	File No. EB-10-HL-0101
Antenna Structure Registrant)	
ASR # 1019034)	NOV No. V201032860013
Honolulu, Hawaii)	

**Response to Notice of Violation
Released June 15, 2010**

Hearst Stations Inc., ("Hearst"), Antenna Structure Registrant of ASR # 1019034, Honolulu, Hawaii, by its undersigned counsel, hereby responds to the Federal Communications Commission's Notice of Violation ("Notice") (File No. EB-10-HL-0101) dated June 15, 2010 (copy attached as Exhibit 1).¹ In response to the Notice, Hearst shows the following:

1. The Notice alleges a violation of Commission Rule Section 17.51(a) for Hearst's alleged failure to replace an extinguished steady-burning midpoint light on the tower. *See* Notice, ¶ 2. It should be noted that all other tower lights, including the top light, were properly functioning. *See* Declaration of Rodney Shimabukuro, ¶ 4.

2. As discussed in the attached Declarations of Rodney Shimabukuro, Director of Engineering for the KITV Division of Hearst Stations Inc., and Michael Rosenberg, President of KITV Division of Hearst Stations Inc. (collectively, the "Declarations"), the Station's failure to promptly replace the extinguished midpoint light was the result of an improperly functioning monitoring system at the tower.

¹ By email dated July 1, 2010, from Ryan Hagihara to Hearst's legal counsel, Stephen Hartzell, the time for responding to the Notice was graciously extended to and including July 15, 2010. Thus, this response is timely filed.

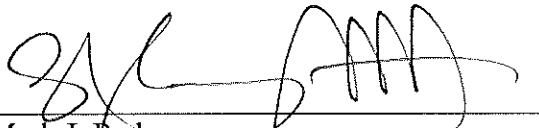
3. After learning of the outage, Hearst promptly effectuated repair of the light and the monitoring system, and Mr. Shimabukuro notified the FCC Honolulu Field Office Staff of the repairs. In addition, Hearst has added a sensor test to its protocol to assist it with detecting any future issues with the remote monitoring system. See Rosenberg Declaration, ¶ 4; Shimabukuro Declaration, ¶¶ 4-5.

4. Hearst takes seriously its responsibilities and obligations as a tower registrant, and puts a high priority on safety issues, including tower lighting. In light of Hearst's prompt action to correct the outage and the underlying remote monitoring system, and because the extinguished lamp was a midpoint lamp for which notice to the FAA would not be required, Hearst respectfully urges that no further action be taken in this matter.

* * *

Respectfully submitted,

HEARST STATIONS INC.



Mark J. Prak
Stephen Hartzell

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Its Attorneys

July 14, 2010

EXHIBIT 1

(Copy of Notice of Violation, Released June 15, 2010)

Federal Communications Commission

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

In the Matter of

Hearst Stations Inc.
Antenna Structure Registrant
ASR # 1019034
Honolulu, Hawaii

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File No. EB-10-HL-0101

NOV No. V201032860013

NOTICE OF VIOLATION

Released: June 15, 2010

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 Hearst Stations Inc., registrant of antenna structure #1019034 in Honolulu, Hawaii.

2. On May 28, 2010, an agent of the Enforcement Bureau's Honolulu Office inspected antenna structure #1019034 located at 410 Atkinson Drive, and observed the following violation:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." The FCC registration for antenna structure #1019034 has required lighting specifications for a top flashing beacon and at least two steady burning midpoint lights. At the time of the inspection, the agent observed extinguishment of one of the steady burning midpoint lights.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Hearst Stations Inc., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of any pending corrective action(s). The response must be complete in itself and signed by Hearst Stations Inc. or a principal or officer of Hearst Stations Inc. 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:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

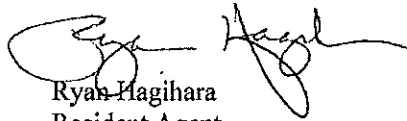
Federal Communications Commission

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

4. This Notice shall be sent to Hearst Stations Inc., at its address of record.

5. The Privacy Act of 1974³ 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION



Ryan Hagihara
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*

Declaration of Michael Rosenberg

I, Michael Rosenberg, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration.

2. I am General Manager of Station KITV, Honolulu, Hawaii, and I am President of the KITV Division of Hearst Stations Inc., licensee of KITV. I have held these positions at all relevant times.

3. I submit this Declaration in support of the Response of Hearst Stations Inc., to the Notice of Violation Released June 15, 2010 ("Notice"). In making this Declaration, to the extent that information is not known personally to me, I am relying on the Declaration of Rodney Shimabukuro, KITV's Director of Engineering.

4. Following the receipt of the Notice, I understand that Mr. Shimabukuro immediately investigated the allegation of an extinguished midpoint light on tower 1019034. I understand that Mr. Shimabukuro determined that a midpoint light was, in fact, extinguished and that Mr. Shimabukuro's test of the light monitoring system revealed that it failed to function properly and alert us that a light had become extinguished. *See* Shimabukuro Declaration, ¶ _____. Mr. Shimabukuro has advised that he diagnosed the monitoring system and addressed the issue. Mr. Shimabukuro has advised me that he thereafter tested the remote monitoring system and determined that it is now functioning properly.

5. I have reviewed the Response of Hearst Stations Inc., to the Notice of Violation Released June 15, 2010, and hereby verify the truth and accuracy of the information contained therein. All of the information requested by the Notice that is in the licensee's possession, custody, control, or knowledge is being produced herewith.

[signature appears on following page]

I declare, under penalty of perjury, that the foregoing Declaration is true and accurate to the best of my knowledge, information, and belief.

July 13, 2016
Date

Michael Rosenberg
Michael Rosenberg
President, KITV Division of Hearst Stations Inc.

Declaration of Rodney Shimabukuro

I, Rodney Shimabukuro, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration.

2. I am Director of Engineering for Hearst Stations Inc. at its KITV Division in Honolulu, Hawaii. I have held this position at all relevant times.

3. I submit this Declaration in support of the Response of Hearst Stations Inc., to the Notice of Violation Released June 15, 2010 ("Notice"). I have personal knowledge of all information set forth in this Declaration.

4. On June 21, 2010, I received a copy of the Notice from legal counsel. I immediately launched an investigation into the allegation that a midpoint lamp was extinguished on tower structure 1019034. We monitor the lights on that tower remotely using a remote monitoring system. When we visited the tower site in the evening, we determined visually that the midpoint lamp was, in fact, extinguished, and we contacted a tower crew to arrange for its repair. We observed, however, that all other tower lights, including the top light, were properly functioning. The repair of the lamp was complete on June 24, 2010. I communicated with the local FCC Field Office to advise of the repair.

5. Following the determination that the lamp was extinguished, we diagnosed the failure of the remote monitoring system to alert us to the outage, and we effectuated that repair. We then tested the remote monitoring system and found it to be functioning properly. In the wake of this incident, we have added a new step to our protocol and rigged a mechanism to allow us to test the sensors at least once per month to assist us in timely identifying any future failure or malfunction of the remote monitoring system.

6. I have reviewed the Response of Hearst Stations Inc., to the Notice of Violation Released June 15, 2010, and hereby verify the truth and accuracy of the information contained therein.

[signature appears on following page]

I declare, under penalty of perjury, that the foregoing Declaration is true and accurate to the best of my knowledge, information, and belief.

7/13/2010
Date

Rodney Shimabukuro
Rodney Shimabukuro
Director of Engineering, KITV