

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

NOV No. V201032860002

³47 U.S.C. § 403.

Federal Communications Commission

violation and any remedial actions the station may have taken. Therefore, Hearst-Argyle Stations, Inc., 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 Hearst-Argyle Stations, Inc., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Hearst-Argyle Stations, Inc., with personal knowledge of the representations provided in Hearst-Argyle Stations, Inc.'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

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

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.

Federal Communications Commission

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



John Raymond
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

L.P. McLENDON, JR.
EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
MICHAEL D. MEEKER
WILLIAM G. McNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
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REID L. PHILLIPS
ROBERT A. SINGER
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MACK SPERLING
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ROBERT J. KING III
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S. KYLE WOOSLEY
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PHILLIP J. LONG
ANDREW T. TRIFF
JOSEPH A. PONZI
ADAM P.M. TARLETON
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CLINT S. MORSE
CHARNANDA T. REID
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JUSTINE O'CONNOR-PETTS
MARY F. PEÑA

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WACHOVIA CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

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HENRY E. FRYE
OF COUNSEL

PATRICIA W. GOODSON
OF COUNSEL

J. LEE LLOYD
PARTNER AND SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
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)

GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WRITER'S DIRECT DIAL

January 25, 2010

Via USPS Express Mail

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

Re: Notice of Violation
File No. EB-09-HL-0134; NOV No. V201032860002

Dear Mr. Raymond:

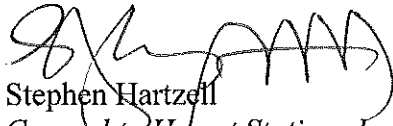
This firm is counsel to Hearst Stations Inc. f/k/a Hearst-Argyle Stations, Inc., Licensee of Television Station KITV, Facility ID No. 64548, Honolulu, Hawaii. On behalf of KITV, enclosed please find an original and two copies of KITV's response to the above-referenced Notice of Violation, issued January 4, 2010, along with two CDs containing video material. By email correspondence dated January 22, 2010 (copy attached), Ryan Hagihara kindly granted Hearst a two-day extension of time in which to submit its response, through and including January 27, 2010.

Mr. John Raymond
January 25, 2010
Page 2

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: John Raymond, FCC (via email)



"Ryan Hagihara"
<Ryan.Hagihara@fcc.gov>
01/22/2010 02:40 PM

To <SHARTZELL@brookspierce.com>
cc "John Raymond" <John.Raymond@fcc.gov>
bcc
Subject RE: KITV Extension of Time (File No. EB-09-HL-0134)

History:  This message has been replied to and forwarded.

Hi Stephen,

Your request for a two-day extension is granted and noted to change the due date to Wednesday, January 27, 2010.

Thank you for your prompt notification.

Thank you,
Ryan

*** Non-Public: For Internal Use Only ***

From: SHARTZELL@brookspierce.com [mailto:SHARTZELL@brookspierce.com]
Sent: Friday, January 22, 2010 9:39 AM
To: Ryan Hagihara
Subject: KITV Extension of Time (File No. EB-09-HL-0134)
Importance: High

Ryan:

Thanks very much for taking my call.

As we discussed, KITV's response to the above-referenced NOV is due Monday, January 25. We have the written response, along with video material showing the station aired the EAS alerts in question, ready to file. However, one more person high in the corporate chain needs to review the response and is not available to do so until Monday. Accordingly, we request a two day extension of time (2 days, to account for the time it will take to overnight the response from the east coast to Hawaii) to make the response due on Wednesday, January 27, 2010.

We appreciate your flexibility and assistance.

Best regards,
- Stephen

Stephen Hartzell
Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.

PO Box 1800 (27602)
Wachovia Capitol Center
150 Fayetteville Street
Suite 1600
Raleigh, NC 27601
(919) 839-0300 (tel.)
(919) 839-0304 (fax)

In accordance with Treasury regulations, any federal tax advice provided in this communication may not be used to avoid any federal tax penalty. Such advice is provided on the basis and with the intent that the advice may not be used to avoid any federal tax penalty.

Confidentiality Notice

The information contained in this e-mail transmittal is privileged and confidential intended for the addressee only. If you are neither the intended recipient nor the employee or agent responsible for delivering this e-mail to the intended recipient, any disclosure of this information in any way or taking of any action in reliance on this information is strictly prohibited. If you have received this e-mail in error, please notify the person transmitting the information immediately.

This e-mail message has been scanned and cleared by MailMarshal SMTP.

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

In the Matter of)	
)	
Hearst-Argyle Stations, Inc.)	File No. EB-09-HL-0134
Licensee of Television Station KITV)	
Facility ID No. 64548)	NOV No. V201032860002
Honolulu, Hawaii)	

**Response to Notice of Violation
Released January 4, 2010**

Hearst Stations Inc., f/k/a Hearst-Argyle Stations, Inc.,¹ ("Hearst"), licensee of KITV(TV), Honolulu, Hawaii, by its undersigned counsel, hereby responds to the Federal Communications Commission's Notice of Violation ("NOV") (File No. EB-09-HL-0134) dated January 4, 2010 (copy attached as Exhibit 1). For the reasons stated below, Hearst denies the occurrence of the violations alleged in the NOV. In response to the NOV, Hearst shows the following:

1. The NOV alleges a violation of Commission Rule Section 11.61(a)(1)(i) for Hearst's alleged failure to retransmit the October 1, 2009, and November 2, 2009, Required Monthly Tests ("RMTs") on KITV:

On October 1, 2009 and November 2, 2009, an agent of the Enforcement Bureau's Honolulu Office monitored television station KITV 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."

¹ By correspondence dated September 23, 2009, Hearst, through counsel, notified the Media Bureau of a change in its name from Hearst-Argyle Stations, Inc. to Hearst Stations Inc.

The agent found that KITV did not retransmit the required monthly tests issued by Hawaii State Civil Defense on both October 1, 2009 and November 2, 2009.

NOV, ¶ 2.

2. As discussed in the attached Declarations of Rodney Shimabukuro, Director of Engineering for KITV, and Michael Rosenberg, President of KITV Division of Hearst Stations, Inc. and General Manager of KITV (collectively, the “Declarations”), the Station did air the RMTs at issue in conformity with Rule Section 11.61.

3. The Declarations are further supported by video and documentary evidence submitted herewith. First, on the enclosed CD, KITV has burned a copy of the material that aired on KITV at 11:15-11:16 a.m. on October 1, 2009, and at 11:15-11:16 a.m. on November 2, 2009. This material was recorded by the Station’s “mass logger”—which records all material aired by KITV in real time as it airs on the Station and “burns” in a time-code in the lower left hand corner—and transferred to a CD for submission with this Response. *See* Shimabukuro Declaration, ¶ 4. The video recording demonstrates that KITV aired both of the RMTs at issue, immediately after they were received by the Station’s EAS equipment. Second, Exhibit 2 contains copies of excerpts from the Station’s logs, which show the receipt and retransmission of the RMTs at issue. *See* Shimabukuro Declaration, ¶ 4. Together, these supporting materials demonstrate that KITV timely aired the RMTs on October 1, 2009, and November 2, 2009, and was in compliance with Rule Section 11.61.

4. In addition, as observed in the Declarations of Mr. Rosenberg, Mr. Shimabukuro, and KITV’s Chief Engineer George Nakamoto, the Station conducted a weekly EAS test on January 11, 2010, at 3:38 p.m. HST, which was personally monitored by Mr. Rosenberg, Mr. Shimabukuro, and Mr. Nakamoto, who confirmed the proper airing of the EAS test material. *See*

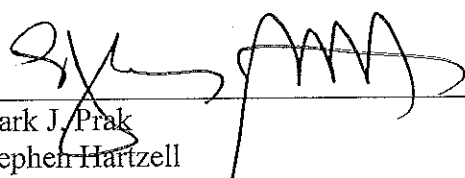
Shimabukuro Declaration, ¶ 5, Rosenberg Declaration, ¶ 4, Nakamoto Declaration, ¶ 3. Because no equipment, hardware, or software has changed in the broadcast video/audio chain since prior to October 1, 2009, *see* Shimabukuro Declaration, ¶ 5, Rosenberg Declaration, ¶ 4, Nakamoto Declaration, ¶ 3, the Station reasonably concludes that the RMTs at issue also properly aired. The video and documentary evidence submitted herewith supports this reasonable conclusion.

5. Hearst denies that the alleged violations occurred and respectfully submits that there was full compliance with the Rules on both occasions. Hearst submits that, at all relevant times, its EAS equipment has been operational and the two RMTs at issue were properly retransmitted on KITV. In light of the foregoing facts and circumstances and in the spirit of cooperation, Hearst respectfully offers to coordinate the execution of a Required Monthly Test with the Honolulu Field Office during a month that is convenient for the Honolulu Field Office. Hearst wishes to ensure that the Field Office is able to review KITV's performance in real time.

* * *

Respectfully submitted,

HEARST STATIONS INC.



Mark J. Prak
Stephen Hartzell

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
Wachovia Capitol Center, Suite 1600
150 Fayetteville Street (27601)
Post Office Box 1800
Raleigh, North Carolina 27602
Telephone: (919) 839-0300
Facsimile: (919) 839-0304

Its Attorneys

January 20, 2010

EXHIBIT 1

(Copy of Notice of Violation, Released January 4, 2010)

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

NOV No. V201032860002

³47 U.S.C. § 403.

Federal Communications Commission

violation and any remedial actions the station may have taken. Therefore, Hearst-Argyle Stations, Inc., 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 Hearst-Argyle Stations, Inc., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Hearst-Argyle Stations, Inc., with personal knowledge of the representations provided in Hearst-Argyle Stations, Inc.'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

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

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.

Federal Communications Commission

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

John Raymond
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

EXHIBIT 2

(Copies of Excerpts from October 1, 2009, and November 2, 2009, Station Logs)

DAY OF WEEK: Thursday DATE: 10-1-09

KITV-DT Ch. 40 Honolulu, HI 21 17' 37" NL 157 50' 34" WL ERP 85KW TPO 7.7 KW		KMAU-DT Ch. 12 Walluku, HI 20 39' 37" NL 156 21' 46" WL ERP 9KW TPO 1KW		KHVO-DT Ch 18 Hilo, HI 19 43' 00" NL 155 08' 13" WL ERP 2 KW TPO 500 Watts	
Carrier ON <u>Cont.</u>	Carrier OFF	Carrier ON <u>Cont.</u>	Carrier OFF	Carrier ON <u>Cont.</u>	Carrier OFF
Program ON <u>Cont.</u>	Program OFF	NOTE: All times HST 24 Hour Format. All Programming, Station IDs and EAS Activities of KITV-DT are duplicated on Stations KMAU-DT & KHVO-DT			

TRANSMITTER READINGS

TIME 24 Hour Format	KITV-DT Dig Pwr %	KMAU-DT Dig Pwr %	KHVO-DT Dig Pwr %
0500	98	100	97
0830	96	100	98
1130	96	99	97
1400	95	97	96
1611	95	96	98
1900	96	98	96
2203	97	98	97
0000	97	101	96
0230	97	99	98
0500	98	102	97

KITV-TV TOWER LIGHTS CHECKED @: 1900

BY: KAR

EAS ACTIVITY

TYPE	ORIGIN	TIME	SIGNATURE	KITV-DT	KITV-WX
<u>Monthly Test</u>	<u>HSCD</u>	<u>11:16</u>	<u>CO</u>	<u>CO</u> ✓	<u>CO</u> ✓
<u>" "</u>	<u>KSSR</u>	<u>11:16</u>			

EAS Receiver Checked @: 0500

BY: Tom Reese

OPERATORS

TIME ON 24 hr fmt	Operator Signature	TIME OFF 24 hr fmt	Operator Signature
<u>0500</u>	<u>Tom Reese</u>	<u>0645</u>	<u>Tom Reese</u>
<u>0645</u>	<u>[Signature]</u>	<u>1445</u>	<u>[Signature]</u>
<u>1445</u>	<u>[Signature]</u>	<u>2245</u>	<u>[Signature]</u>
<u>2245</u>	<u>Tom Reese</u>	<u>0500</u>	<u>Tom Reese</u>

COMMENTS

Chief Operator Check Date: <u>10/8/09</u>	By: <u>[Signature]</u>
---	------------------------

Use reverse side for additional entries if necessary

File: KITV TRANSMITTER LOG revised 01/30/09

AT 11:18
ON OCT 1, 2009
ON CHANNEL 4.

PRINTED ON THURSDAY
OCTOBER 01, 2009 AT
11:18.

STATION TRANSMIT LOG:

A CIVIL AUTHORITY HAS
ISSUED A REQUIRED
MONTHLY TEST FOR THE
FOLLOWING
COUNTIES/AREAS:
ALL HAWAII
AT 11:16 AM
ON OCT 1, 2009
EFFECTIVE
UNTIL 11:46 AM.

MESSAGE TRANSMITTED
AT 11:18
ON OCT 1, 2009
BY KITV-TV.

EAS PROTOCOL TEXT:
ZCZC-CIV-RMT-015000+0030
-ZP42116-KITV-TV -

PRINTED ON THURSDAY
OCTOBER 01, 2009 AT
11:18.

EOM RECEIVED
AT 11:19
ON OCT 1, 2009
ON CHANNEL 2.

PRINTED ON THURSDAY
OCTOBER 01, 2009 AT
11:19.

DAY OF WEEK: mon DATE: 11-2-07

KITV-DT Ch. 40 Honolulu, HI 21 17' 37" NL 157 50' 34" WL ERP 85KW TPO 7.7 KW		KMAU-DT Ch. 12 Wailuku, HI 20 39' 37" NL 156 21' 46" WL ERP 9KW TPO 1KW		KHVO-DT Ch 13 Hilo, HI 19 43' 00" NL 155 08' 13" WL ERP 2 KW TPO 500 Watts	
Carrier ON	Carrier OFF	Carrier ON	Carrier OFF	Carrier ON	Carrier OFF
<u>On</u>	<u>On</u>	<u>On</u>	<u>On</u>	<u>On</u>	<u>On</u>
Program ON	Program OFF	NOTE: All times HST 24 Hour Format. All Programming, Station IDs and EAS Activities of KITV-DT are duplicated on Stations KMAU-DT & KHVO-DT			
<u>On</u>	<u>On</u>				

TRANSMITTER READINGS

TIME 24 Hour format	KITV-DT Dig Pwr %	KMAU-DT Dig Pwr %	KHVO-DT Dig Pwr %
0500	96	97	98
0800	97	99	100
1100	97	99	100
1400	96	97	98
1601	97	98	101
1900	97	99	98
2201	97	100	100
0050	96	100	98
0400	97	101	100

KITV-TV TOWER LIGHTS CHECKED @: 1901

BY: KRM

EAS ACTIVITY

TYPE	ORIGIN	TIME	SIGNATURE	KITV-DT	KITV-WX
PRACTICE DEMO WARNING	HSCD	0755	CK		
PRACTICE DEMO WARNING	HSCD	0807	CK		
PRACTICE DEMO WARNING	HSCD	0811	CK		
PRACTICE DEMO WARNING	HSCD	0814	CK		
PRACTICE DEMO WARNING	HSCD	0818	CK		
PRACTICE DEMO WARNING	HSCD	0821	CK		
MONTHLY TEST	HSCD	1115	CK	✓	✓

EAS Receiver Checked @:

0500

BY: KRM

OPERATORS

TIME ON 24 hr fmt	Operator Signature	TIME OFF 24 hr fmt	Operator Signature
0500	<u>K. White</u>	0645	<u>K. White</u>
0645	<u>C. K.</u>	1445	<u>C. K.</u>
1445	<u>K. White</u>	2245	<u>K. White</u>
2245	<u>K. White</u>	0300	<u>K. White</u>

COMMENTS

Chief Operator Check Date: <u>11/9/07</u>	By: <u>Theresa T. White</u>

Use reverse side for additional entries if necessary

File: KITV TRANSMITTER LOG revised 01/30/09

Page 1 of 2

ETS ACTIVITY

MONTHLY TEST	KRTR	1115	CLK
MONTHLY TEST	KITY	1115	CLK
MONTHLY TEST	KSSIC	1133	CLK
MONTHLY CD SIREN TEST	KITV	1145	CK

STATION TRANSMIT LOG:

A CIVIL AUTHORITY HAS
ISSUED A REQUIRED
MONTHLY TEST FOR THE
FOLLOWING
COUNTIES/AREAS:
ALL HAWAII
AT 11:12 AM
ON NOV 2, 2009
EFFECTIVE
UNTIL 11:42 AM.

MESSAGE TRANSMITTED
AT 11:21
ON NOV 2, 2009
BY KITV/TU

EAS PROTOCOL TEXT:
ZCZC-CIV-RMT-015000+0030
-3062112-KITV/TU -

PRINTED ON MONDAY
NOVEMBER 02, 2009 AT
11:21.

EOM RECEIVED
AT 11:21
ON NOV 2, 2009
ON CHANNEL 2.

PRINTED ON MONDAY
NOVEMBER 02, 2009 AT
11:21.

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 January 4, 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, and on the Declaration of George Nakamoto, KITV's Chief Engineer.

4. Following the receipt of the Notice, I oversaw the investigation by KITV's Director of Engineering, Rodney Shimabukuro, into the alleged failure of the Station to properly air two required monthly tests ("RMTs"). Mr. Shimabukuro's investigation revealed that KITV did, in fact, air the two RMTs at issue in the Notice. When KITV conducted a weekly EAS test on January 11, 2010, at 3:38 p.m. HST, I personally monitored the test in Master Control, and I personally confirmed the proper airing of the test EAS video/audio. And, as discussed in his own Declaration, KITV's Chief Engineer, George Nakamoto, personally monitored that EAS test on an off-air monitor outside of Master Control. No equipment, hardware, or software has been changed in the broadcast EAS video/audio chain since prior to October 1, 2009.

5. I would welcome the opportunity to coordinate the viewing of an RMT over KITV with the Honolulu Field Office.

6. I have reviewed the Response of Hearst Stations Inc., to the Notice of Violation Released January 4, 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.

Date January 20, 2010

Michael Rosenberg
Michael Rosenberg
President, KITV Division of Hearst Stations Inc.
General Manager of Station KITV

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 of Station KITV, Honolulu, Hawaii. I have held this position at all relevant times.

3. I submit this Declaration in support of the Response of Hearst-Argyle Stations, Inc., to the Notice of Violation Released January 4, 2010 ("Notice"). I have personal knowledge of all information set forth in this Declaration.

4. On January 11, 2010, I received a copy of the Notice from legal counsel. I immediately launched an investigation into the alleged failure of the Station to properly air two required monthly tests ("RMTs"). As part of my investigation, I examined the Station's logs from October 1, 2009, and November 2, 2009. The relevant log pages (copies of which are attached to the Response) demonstrate receipt and transmission of both of the RMTs at issue. Following examination of the logs, I also reviewed recordings from the Station's mass logger from October 1, 2009, and November 2, 2009. The mass logger records all material aired by KITV in real time as it airs on the Station and "burns" in a time-code in the lower left hand corner. The mass logger recordings demonstrate that the October 1, 2009, and November 2, 2009, EAS RMTs did air properly on KITV, each at 11:15-11:16 a.m. A copy of the mass logger recordings is being submitted with the Response.

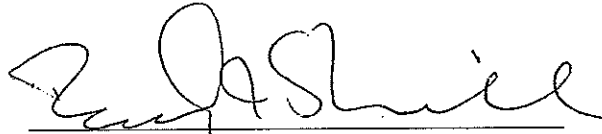
5. As part of my investigation, I supervised a weekly EAS test on January 11, 2010, at 3:38 p.m. HST. I personally monitored this weekly test in Master Control, and confirmed the proper airing of the test EAS video/audio. Because no equipment, hardware, or software has been changed in the broadcast EAS video/audio chain since prior to October 1, 2009, because we successfully conducted a test on January 11, 2010, and because all documentary and video evidence I found during my investigation demonstrate confirms the proper airing of the RMTs on October 1, 2009, and November 2, 2009, I conclude with confidence that the RMTs at issue properly aired in compliance with the Commission's rules.

6. I have reviewed the Response of Hearst Stations Inc., to the Notice of Violation Released January 4, 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.

1/20/2010
Date


Rodney Shimabukuro
Director of Engineering, KITV

Declaration of George Nakamoto

I, George Nakamoto, 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 Chief Engineer of Station KITV, Honolulu, Hawaii, and I have held this position at all relevant times. I submit this Declaration in support of the Response of Hearst Stations Inc., to the Notice of Violation Released January 4, 2010 ("Notice").

3. Following the receipt of the Notice, KITV conducted a weekly EAS test on January 11, 2010, at 3:38 p.m. HST. At that time, I personally witnessed that the test successfully appeared on an off-air monitor outside of Master Control, and I personally confirmed the proper airing of the test EAS video/audio. No equipment, hardware, or software has been changed in the broadcast EAS video/audio chain since prior to October 1, 2009.

[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.

JAN 20, 2010
Date

George T. Nakamoto
George Nakamoto
Chief Engineer of Station KITV