



August 29, 2014

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Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
Attn: Susan L. Kimmel, Deputy Chief
445 12th Street, S.W.
Washington, D.C. 20554

Via First Class U.S. Mail

Re: Official Notice of Informal Complaint, dated August 13, 2014
FCC Case No. 14-C00566468-1 (THOMPSON) (KITV Network (Me-TV Network))

Dear Ms. Kimmel:

This firm is counsel to Hearst Stations Inc., licensee of Television Station KITV, Honolulu, Hawaii ("KITV").

This letter responds to the informal complaint submitted to the Federal Communications Commission ("FCC") by Ms. Christie Thompson pursuant to Section 713 of the Communications Act, 47 U.S.C. § 613, and Section 79.1 of the FCC's Rules, 47 C.F.R. § 79.1. This complaint has been assigned Case No. 14-C00566468-1 by the Disability Rights Office. KITV received notice of Ms. Thompson's complaint by Official Notice of Informal Complaint dated August 13, 2014 (the "Notice"), delivered by U.S. Mail.

The Notice refers to KITV as a "Multichannel Video Programming Distributor," but KITV is a full-power commercial television station that airs, in relevant part, a program stream affiliated with the MeTV television network, which is retransmitted by Time Warner Oceanic ("TWO") cable system on channel 126. KITV passes through all closed captioning provided by the MeTV network in its programming on this stream.

Ms. Thompson's complaint states, in relevant part, as follows:

"At all times the closed captioning on this channel (126) also known as ME TV, is totally garbled, incorrect or unreadable. This is for EVERY SHOW and 24 hours a day. Most shows are classic syndicated shows so the tv station itself is responsible for this shoddy captioning."

KITV first became aware on or around July 4, 2014, that Ms. Thompson filed a complaint with the Commission, when a representative at TWO sent an email to KITV inquiring about the closed captioning on KITV's MeTV program stream. According to the TWO representative, the issue was not a TWO issue, and TWO asked KITV whether the MeTV programming was being closed captioned by KITV locally or whether it was being closed captioning by the MeTV

network at the national level. Because the closed captioning is provided by the MeTV network, KITV promptly contacted the MeTV network about the issue.

In addition, KITV's President and General Manager ("Mr. Jackson") has confirmed that KITV routinely passes through all closed captioning provided by the MeTV network in its programming, and he has watched several closed captioned MeTV shows on TWO's channel 126 and found that portions of the closed captioning provided by the MeTV network contain some imperfections. However, Mr. Jackson's review of the closed captioning in MeTV programming revealed that Ms. Thompson's characterization that MeTV programming "is totally garbled, incorrect or unreadable . . . for EVERY SHOW and 24 hours a day" is erroneous and overstates the degree of imperfections in the MeTV closed captioning.

In discussing this closed captioning issue with a MeTV network representative, KITV has learned that MeTV is aware that some of its closed captioning suffers from some imperfections, and MeTV has advised KITV that it is continually striving to improve its closed captioning. KITV and KITV's parent company—Hearst Television—are continuing to communicate with the MeTV network about the quality of its closed captioning, and a meeting to discuss the issue has been set for early September. Additionally, of course, KITV will continue to pass-through the closed captioning provided by the MeTV network.

In light of the information provided herein, KITV respectfully requests that the complaint against it be dismissed.

This Response is supported by the Certification and Declaration of Andrew C. Jackson, General Manager of KITV and President of the KITV Division of Hearst Stations Inc., who has indicated that he has reviewed this letter in his capacity as an officer of the licensee and that to the best of his knowledge and belief the information herein is true and correct.

Should you have any further questions regarding the above-referenced complaint, please do not hesitate to contact the undersigned.

Sincerely,

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



Stephen Hartzell
Counsel to Hearst Stations Inc.

Enclosure

cc: Susan L. Kimmel, FCC (via email)
Judy Miller, FCC (via email)
Ms. Christie Thompson (via email: Cjonesthom@mac.com)
DROinquiries&complaints@fcc.gov

CERTIFICATION OF LICENSEE

I, Andrew C. Jackson, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Certification. I am General Manager of KITV and President of the KITV Division of Hearst Stations Inc., licensee of KITV, Honolulu, Hawaii ("KITV"). I have held these positions at all relevant times.

2. My signature below indicates, under penalty of perjury, that I have reviewed the Official Notice of Informal Complaint dated August 13, 2014 ("Notice"), and I am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the best of my knowledge, information, and belief, I hereby verify the truth and accuracy of the information contained therein.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 29th day of August, 2014.

By:



Andrew C. Jackson
General Manager of KITV
President of KITV Division of Hearst Stations Inc.