



August 3, 2004

CERTIFIED MAIL

David and Jovita Brody  
622 Charles Lane  
Madison, WI 53711

Re: FCC Notice of Informal Complaint No. 04-N92747

Dear Mr. and Mrs. Brody

This is to acknowledge that we are in receipt of a Notice of Informal Complaint from the Federal Communications Commission ("FCC") and your complaint (Informal Complaint No. 04-N92747) regarding a lack of access to emergency information in video programming during the evening of July 24, 2004.

We are currently investigating this matter. Upon the conclusion of our investigation we will file a response to your complaint with the FCC, and will forward a copy of our response to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Miller', written over a stylized graphic element that resembles a television antenna or a similar shape.

Robert Miller  
WKOW-TV Vice President/  
General Manager



**WKOW**  
Madison

August 3, 2004

CERTIFIED MAIL

Steve and Ann Geier  
322 Marinette Tr.  
Madison, WI 53711

Re: FCC Notice of Informal Complaint No. 04-N92747

Dear Mr. and Mrs. Geier

This is to acknowledge that we are in receipt of a Notice of Informal Complaint from the Federal Communications Commission ("FCC") and your complaint (Informal Complaint No. 04-N92747) regarding a lack of access to emergency information in video programming during the evening of July 24, 2004.

We are currently investigating this matter. Upon the conclusion of our investigation we will file a response to your complaint with the FCC, and will forward a copy of our response to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Miller'.

Robert Miller  
WKOW-TV Vice President/  
General Manager



August 3, 2004

CERTIFIED MAIL

Lilah Katcher  
206 S Bassett St.  
Madison, WI 53703

Re: FCC Notice of Informal Complaint No. 04-N92747

Dear Ms. Katcher:

This is to acknowledge that we are in receipt of a Notice of Informal Complaint from the Federal Communications Commission ("FCC") and your complaint (Informal Complaint No. 04-N92747) regarding a lack of access to emergency information in video programming during the evening of July 24, 2004.

We are currently investigating this matter. Upon the conclusion of our investigation we will file a response to your complaint with the FCC, and will forward a copy of our response to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Miller', written over a horizontal line.

Robert Miller  
WKOW-TV Vice President/  
General Manager



August 3, 2004

CERTIFIED MAIL

Jack and Ann Cassell  
625 Basswood Ave  
Verona, WI 53593

Re: FCC Notice of Informal Complaint No. 04-N92747

Dear Mr. and Mrs. Cassell:

This is to acknowledge that we are in receipt of a Notice of Informal Complaint from the Federal Communications Commission ("FCC") and your complaint (Informal Complaint No. 04-N92747) regarding a lack of access to emergency information in video programming during the evening of July 24, 2004.

We are currently investigating this matter. Upon the conclusion of our investigation we will file a response to your complaint with the FCC, and will forward a copy of our response to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Miller', written in a cursive style.

Robert Miller  
WKOW-TV Vice President/  
General Manager



August 3, 2004

CERTIFIED MAIL

Vincent and Pamela Holmes  
600 Aspen Avenue  
Verona, WI 53593

Re: FCC Notice of Informal Complaint No. 04-N92747

Dear Mr. and Mrs. Holmes:

This is to acknowledge that we are in receipt of a Notice of Informal Complaint from the Federal Communications Commission ("FCC") and your complaint (Informal Complaint No. 04-N92747) regarding a lack of access to emergency information in video programming during the evening of July 24, 2004.

We are currently investigating this matter. Upon the conclusion of our investigation we will file a response to your complaint with the FCC, and will forward a copy of our response to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Miller', written in a cursive style.

Robert Miller  
WKOW-TV Vice President/  
General Manager



Federal Communications Commission  
Washington, D.C. 20554

July 12, 2004

WKOW-TV Channel 27 (ABC)  
5727 Tokay Boulevard  
Madison, Wisconsin 53719

Attention: Bob Miller, General Manager

**Re: Notice of Informal Complaint (NOIC) -- Disabilities Related  
FCC No. 04-N92747, Vincent and Pam Holmes, et al.**

**Lack of Access to Emergency Information in Video Programming**

Dear Mr. Miller:

The Federal Communications Commission (FCC) has received a complaint about captioning from Mr. & Mrs. Vincent and Pam Holmes of Verona, Wisconsin. Their complaint alleges lack of access to critical details when providing emergency and news information during a recent tornado advisory situation. The complaint is submitted also on behalf of seven other individuals: Ann & Jack R. Cassell, Lilah Katcher, Ann & Steve Geier, and David & Jovita Brody.

Specifically, the complainants allege:

**Lack of Access to Critical Details**

On June 24, 2004, between 7:00 and 8:45 p.m., televised tornado advisories lacked required visual alerts letting those with hearing loss know exact details of the storm's path and danger when storm warnings were shared with the general public. High-tech GIS maps remained on the screen as the voice-over described safety precautions and traced the path of the funnel clouds. We flipped channels searching for the captions of the lengthy verbal warnings that some of us could "hear" but not discern what was being said. However, we saw no sign of mandatory emergency visual indicators. If they were present on the screen, it was for too short a time to be of any practical benefit, as none of us noted it.

Complainants state: "We all live within a half block to seven miles of this tornado's most damaging path." ... "Our needs and those of many others were overlooked. Our lack of knowledge and preparedness was not acceptable."

**Remedies Requested**

1. Videotape copy of the evening's broadcast on June 24<sup>th</sup>, 2004.
2. Assurance of increased commitment to provide closed captioning or other means to convey meaningful detail for all emergency alerts.
3. Assurance that proper equipment to readily convey such visual information is owned and ready for use.

The enclosed complaint has been filed with the Commission pursuant to Section 305 of the Act, 47 U.S.C. §305, and Section 79.2 et seq. of the Commission's Rules, 47 C.F.R. § 79.2 et seq. Upon receipt of this Notice, a letter acknowledging your company's receipt of this Notice and of the complaint should be sent to the complainants at the mailing addresses indicated below.

We are forwarding a copy of the complaint record so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in the complaint and summarize the actions taken by your company to satisfy the complaint. Your company's response to the complaint must be filed with the Commission in writing within **THIRTY days of the date of this Notice.**

The original of your response should be sent to the Consumer Inquiries & Complaints Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street S.W., Suite CY-B523, Washington, D.C. 20554. Due to heightened security measures undertaken at this agency, and in Washington, D.C., and likely consequent delays in mail handling, an electronic copy of your response to the FCC should be sent also via Email to [Jennifer.Simpson@fcc.gov](mailto:Jennifer.Simpson@fcc.gov). Your company is further directed to send a copy of its response to the complainant at the same time the response is sent to the Commission.

Your company is directed to retain all records which may be relevant to the complaint until final Commission disposition of the complaint.

**File Number**

FCC No. 04-N92747

**Complainants**

Vincent and Pamela Holmes  
600 Aspen Avenue  
Verona, WI 53593  
Email [pamuti@aol.com](mailto:pamuti@aol.com)

Ann & Jack R. Cassell  
625 Basswood Avenue  
Verona, WI 53593  
Email [jack75cassell@tds.net](mailto:jack75cassell@tds.net)

Lilah Katcher  
206 S. Bassett Street  
Madison, WI 53703  
Email [lkatcher@aol.com](mailto:lkatcher@aol.com)

Ann & Steve Geier  
322 Marinette Terrace  
Madison, WI 53711  
Email [ann.geier@dot.state.wi.us](mailto:ann.geier@dot.state.wi.us)

David & Jovita Brody  
622 Charles Lane

Madison, WI 53711  
dvbrody@ameritech.net;

A full response to the allegation is expected.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha E. Contee".

Martha E. Contee  
Chief, Consumer Inquiries & Complaints Division  
Consumer & Governmental Affairs Bureau

Attachment




## COMPLAINT FOR VINCENT AND PAM HOLMES ET AL.

Complaint Type: Broadcast

Account Type: Residential

Congressional Complaint

IC Number:	04-N92747	Case Type:	Complaint
Date Received:	07/02/2004 	Complainant:	Vincent And Pam Holmes Et Al.
Date Entered:	07/07/2004	Date Assigned:	07/07/2004
Entered By:	Jenifer Simpson	Date Reassigned:	
Assigned To:	Jenifer Simpson/FCCIN	Service Date:	
Date Closed:		Response Date:	08/12/2004
Closed By:		Original Analyst:	
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Purged By:	Purged Date:
		Removed By:	Removed Date:

**Current Status: Pending Further Information**

Complaint Summary:

Via email from pamuti@aol.com

July 2, 2004

Dear FCC Personnel:

Please find attached our formal complaint against the Madison, WI TV stations WISC-TV3, WKOW TV 27, and WMTV Channel 15. We ask that you take expedite action to request videotapes of their June 24, 2004 evening broadcastings to substantiate our claim of lack of emergency access as a dangerous tornado swept through our community.

Kindly confirm receipt of this complaint at your soonest convenience.

Sincerely, Pam Holmes

filing on behalf of those joining the complaint:

Vincent Holmes, Ann and Jack R. Cassell, Lilah Katcher, Ann & Steve Geier, David and Jovita Brody.

(Add'l info from attached word document) ...

July 2, 2004

Federal Communications Commission

Consumer & Governmental Affairs Bureau

445 12th Street, SW

Washington, DC 20554

Dear FCC Enforcement Officers and Personnel of Madison's local TV stations:

This complaint is being filed against local Madison TV stations WISC-TV 3, WKOW TV 27, and WMTV Channel 15 on behalf of the undersigned parties in regard to violation of the Accessibility of Programming Providing Emergency Information - 47 C.F.R. § 79.2 on the evening of June 24, 2004.

Televised tornado advisories on these stations lacked required visual alerts letting those with hearing loss know exact details of the storm's path and danger. We are filing this complaint as deaf community members who live in close proximity to this storm's path. It is our understanding that, "in the case of persons who are deaf or hard of hearing, emergency information that is provided in the audio portion of programming must be provided either using closed captioning or other methods of visual presentation, such as open captioning, crawls, or scrolls that appear on the screen." (FCC Fact Sheet at <http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html>)

All of us were viewing TV at various points between 7:00 PM and 8:45 PM, when storm warnings were shared with the general public. We were appalled to find all three of these stations not in compliance with these requirements. A funnel cloud took a cruel spin near our homes and workplaces. Sirens pierced the air and people turned to their radios and televisions to hear the warnings and advisories. But despite the FCC Emergency Captioning regulations adopted in April 2000, deaf and hard of hearing citizens were left without critical information. High-tech GIS maps remained on the screen as the voice-over described safety precautions and traced the path of the funnel clouds. We flipped channels searching for the captions of the lengthy verbal warnings that some of us could "hear" but not discern what was being said. However, we saw no sign of mandatory

emergency visual indicators. If they were present on the screen, it was for too short a time to be of any practical benefit, as none of us noted it.

When the Emergency TV regulations were first passed, a group of us sent a copy of the press announcement and Fact Sheet to each of the TV stations cited in this filing. In addition, when the FCC released a public reminder to all broadcasters, we once again proactively sent a copy of the FCC public notice, wishing to be assured our community members would be protected. Yet when the tornado hit last week, TV stations still neglected the fact that we were in the viewing audience and needed this information to stay out of harm's way.

We ask that the FCC promptly request video copies of each station's broadcasting the evening of June 24th to verify our findings of dismal emergency warning notice. At minimum, we expect assurance of increased commitment from Wisconsin TV stations to provide closed captioning or other means to convey meaningful detail for all emergency alerts, and assurance the proper equipment to readily convey such visual information is owned and ready for use by the named stations.

We all live within a half block to seven miles of this tornado's most damaging path. One deaf viewer, Pam Holmes, watched the "after the storm live reports" at approximately 9:45 PM all of which were not captioned, noting pictures of downed trees yet not recognizing the location. You can imagine this viewer's surprise as she drove down Science Drive in the University Research Park to reach her office to find the road totally blocked by downed trees from the June 24th storm. Another viewer, the Geiers live less than a half mile from the most severely hit area. The Brodys, who have a month-old baby and another child under 5, live less than a block from where the funnel cloud hit. Our needs and those of many others were overlooked. Our lack of knowledge and preparedness was not acceptable.; Thank you in advance for your prompt attention to this filed complaint.

Sincerely,

Pam & Vincent Holmes

600 Aspen Ave.; Verona, WI 53593; pamuti@aol.com

Ann & Jack R. Cassell; 625 Basswood Ave; Verona, WI 53593 jack75cassell@tds.net

Lilah Katcher; 206 S Bassett St.; Madison, WI 53703; lkatcher@aol.com

Ann & Steve Geier; 322 Marinette Tr.; Madison, WI 53711 ann.geier@dot.state.wi.us

David & Jovita Brody; 622 Charles Lane; Madison, WI 53711; dvbrody@ameritech.net;

cc: WISC-TV 3; WKOW TV 27; WMTV Channel 15 ; WI State Senator Jon Erpenbach; U.S. Congresswoman Tammy Baldwin

July 2, 2004

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
445 12th Street, SW  
Washington, DC 20554

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We are filing this complaint as deaf community members who live in close proximity to this storm's path. It is our understanding that, "in the case of persons who are deaf or hard of hearing, emergency information that is provided in the audio portion of programming must be provided either using closed captioning or other methods of visual presentation, such as open captioning, crawls, or scrolls that appear on the screen." (FCC Fact Sheet at <http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html>) All of us were viewing TV at various points between 7:00 PM and 8:45 PM, when storm warnings were shared with the general public. We were appalled to find all three of these stations not in compliance with these requirements.

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Thank you in advance for your prompt attention to this filed complaint.

Sincerely,

Pam & Vincent Holmes  
600 Aspen Ave.  
Verona, WI 53593  
pamuti@aol.com

Ann & Jack R. Cassell  
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jack75cassell@tds.net

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206 S Bassett St.  
Madison, WI 53703  
lkatcher@aol.com

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322 Marinette Tr.  
Madison, WI 53711  
ann.geier@dot.state.wi.us

David & Jovita Brody  
622 Charles Lane  
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dvbrody@ameritech.net

cc: WISC-TV 3  
WKOW TV 27  
WMTV Channel 15  
WI State Senator Jon Erpenbach  
U.S. Congresswoman Tammy Baldwin