



December 9, 2008

Via Hand Delivery and E-mail

Cheryl J. King
Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Informal Complaint (NOIC),
FCC No. 08-C00065961-SK,
WKOW-TV (Scott)

Dear Ms. King:

Station WKOW-TV, Madison, Wisconsin ("WKOW"), hereby responds to the above-referenced Notice of Informal Complaint ("NOIC") issued November 12, 2008.¹ The NOIC concerns an informal complaint filed by Ms. Linda Scott alleging that WKOW violated Section 79.2 of the Commission's rules regarding the accessibility of emergency information programming. Specifically, Ms. Scott alleges that WKOW broadcast an Emergency Alert System ("EAS") test at 9:26 am Central time, on September 4, 2008 but did not broadcast a voice announcement stating that the broadcast was a test. Ms. Scott also states that she called WKOW to register her concerns about the EAS test and was treated improperly by WKOW staff.

WKOW wishes to emphasize at the outset that it takes great pride in its broadcast of emergency information and believes this to be an extremely important service to the community. Consequently, the questions Ms. Scott raises are of great concern and WKOW investigated Ms. Scott's complaint thoroughly.

WKOW has determined that it did not broadcast an EAS test on the morning of September 4, 2008, as set forth in the complaint. WKOW did broadcast an EAS test on September 3, 2008 at approximately 8:56 am Central time, but that broadcast included a voice announcement stating that the broadcast was a test. Enclosed with this letter is a CD containing

¹ The NOIC is enclosed as Exhibit 1. As directed in the NOIC, WKOW sent Ms. Scott a letter acknowledging its receipt of the NOIC on November 13, 2008, by certified mail. The letter was returned to WKOW as "unclaimed" on December 5, 2008 and WKOW resent the letter to Ms. Scott by overnight express.

WKOW Television, Inc.

5727 Tokay Boulevard, Madison, Wisconsin 53719
Telephone: (608) 274-1234 • www.wkowtv.com

Ms. Cheryl J. King
December 5, 2008
Page 2 of 2

a clip from WKOW's broadcast on September 4, 2008 from approximately 9:24 am to 9:28 am Central time. The CD also contains a clip of the September 3, 2008 EAS test.

Furthermore, WKOW staff persons have no recollection of receiving a telephone call from Ms. Scott on September 4, 2008. WKOW staff persons, however, do recall receiving a telephone call from Ms. Scott on the morning of November 4, 2008. During that telephone call Ms. Scott raised concerns about an EAS test by WKOW. WKOW has reviewed its broadcast from that morning and determined that it did not broadcast an EAS test on November 4, 2008. WKOW did broadcast an EAS test on November 3, 2008 at approximately 11:36 am Central time. Again, that broadcast included a voice announcement stating that it was an EAS test. A clip of the November 3, 2008 EAS test is also included on the enclosed CD.

Through its investigation, WKOW learned that at approximately 9:31 am Central time on November 4, 2008, it inadvertently broadcast a few seconds of the "bars and tone" which cued the start of ABC's feed of General Hospital, which WKOW was recording for broadcast later in the day. The "bars and tone" cue included a tone that is somewhat similar to an EAS test. A clip of the "bars and tone" broadcast on November 4, 2008 is included on the enclosed CD. WKOW regrets if this may have caused any confusion for Ms. Scott and certainly apologizes if Ms. Scott believes that she was in anyway treated inappropriately by WKOW staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Allen", written over a horizontal line.

Tom Allen
General Manager
Station WKOW-TV

cc: Ms. Linda Scott, Complainant (via email)
Ms. Sherita Kennedy (via email)
Disability Rights Office

Jessica Miller
 WKOW TV
 5727 TOKAY BLVD
 MADISON, WI 53719



JCLS112882923

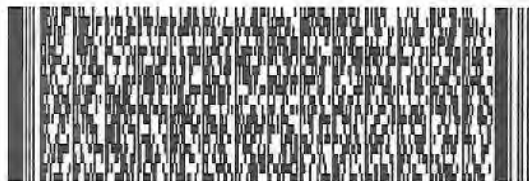
SHIP TO: (608) 274-1234 **BILL SENDER**
Linda Scott
 4509 DEERWOOD DR
 MADISON, WI 53716

ActWgt: 1.0 LB
 CAD: 1104544/INET8091
 Account#: S *****

Delivery Address Bar Code



Ref #
 Invoice #
 PO #
 Dept #

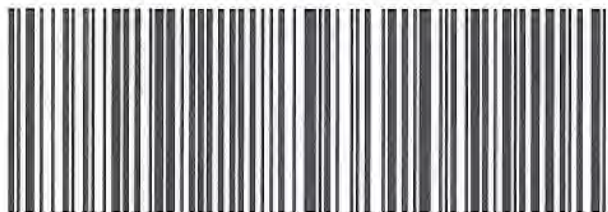


TRK# 7961 7229 6250
 0201

FRI - 12DEC
EXPRESS SAVER
RES

53716
 WI-US
 MSN

55 LNRA



After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and can result in additional billing charges, along with the cancellation of your FedEx account number. Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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27 Inc **WKOW**

5727 Tokay Boulevard, Madison, WI 53719

MAKING A DIFFERENCE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



7008 0500 0000 4354 2501

UNCLAIMED



neopostSM
945 38 3084 226
\$5.320
11/13/2008
Mailed From 53719

US POSTAGE



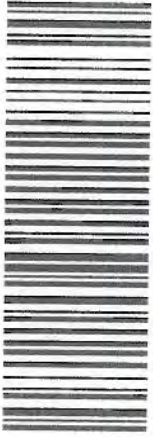
27 WKOW

MAKING A DIFFERENCE

5727 Tokay Boulevard, Madison, WI 53719

CERTIFIED MAIL™

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



7008 0500 0000 4354 2501

Ms. Linda Scott
4509 Deerwood Drive
Madison, WI 53716



neopost
D4SJR05M228
\$5.320
11/18/2008
Mailed from 53719
US POSTAGE

NL 11-14

1st *11-14*
2nd *11-24*
RETURNED *11-28*





November 12, 2008

Ms. Linda Scott
4509 Deerwood Drive
Madison, WI 53716

Re: Acknowledgment of Informal Complaint,
FCC No. 08-C00065961-SK (Scott) (WKOW-TV)

Dear Ms. Scott:

This letter is to acknowledge that Station WKOW-TV has received Official Notice of your complaint to the Federal Communications Commission. A copy of the Official Notice and your complaint are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Allen', with a long horizontal flourish extending to the right.

Tom Allen
General Manager
Station WKOW-TV

Enclosures

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

November 12, 2008

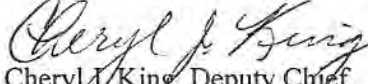
In reply refer to case number: 08-C00065961 – SK
(Scott) (WKOW-TV)

THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.2 of the Commission's Rules, 47 C.F.R. § 79.2. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.2(c) of the Commission's Rules, 47 C.F.R. § 79.2(c), we are forwarding a copy of the complaint 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 each complaint and summarize the actions taken by your company to satisfy the complaint.

Your response should include: (1) the Complainant's name, and (2) the Case number. For hand deliveries, the Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m., Monday-Friday. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Cheryl.King@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Sherita Kennedy at (202) 418-0287 or Sherita.Kennedy@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.


Cheryl J. King, Deputy Chief
Disability Rights Office/CGB

Attachment(s)
K:613/79.2



FOR FCC INTERNAL USE ONLY

Admin 2000

Sherita.Kennedy [CAM] Logout

HOME SEARCH NEW COMPLAINT HELP
In-Process Complaints Completed Complaints

« Back to Complaints

Form 2000C: 08-C00065961-1

User Form
Admin Comments
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form

USER FORM

CONSUMER'S INFORMATION

First Name: Linda

Last Name: scott

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Street Address or Post Office Box Number: 4509 deerwood drive

City: Madison State: WI

Zip Code: 53716

Telephone Number(Residential or Business): (608) 222-4083 Ext:

E-mail Address:

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? **No**
If yes, complete items a through h.

Your relationship with the party:

The party's first name:

The party's last name:

party_daytime_phpne () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

Letter Facsimile (fax) Telephone Voice

TRS (designate form of TRS and appropriate contact information)

TTY Internet E-mail ASCII Text Audio-Cassette Recording Braille

[Edit Form](#)

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))

Accessibility of emergency information on television

Closed Captioning (absence, quality or pass through High Definition (HD) programs)

NOTE: If your complaint is about closed captioning only, you must first contact the station or video programming distributor. For additional information, see <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>

Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: **TV station, channel 27 WKOW tv.**

City: **madison** State: **WI** Zip Code: **53716**

Telephone number: **(608) 271 - 4321**

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about: **the TV station**

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) **09/04/2008** Time: **09:26 AM** and any details of when the event or action you are complaining about occurred: **the alarm broadcast system went off, but there was no voice recorded saying that is a alert system broadcast.**

5. If your complaint is about access to emergency information on television, provide the following information:

a. Television station call sign (e.g., "WZUE-TV"): **wkow**

b. Station channel (e.g., "13"): **channel 27**

c. Station location: City: **madison** State: **WI**

d. Date(s) and time(s) of emergency: **09/04/2008** Time: **09:26 AM**

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred): **it was a emergency broadcast only the noise sounded never providing the information for blind people.. she is handicap and she wanted to know what was going on.**

6. If your complaint is about closed captioning, provide the following:

a. Station call sign (e.g., "KDID," "WZUF," "KDIU-FM," "WZUE-TV"): **WKOW TV**

- b. Station frequency (e.g., "1020" or "88.5"); or channel (e.g., "13"): **Channel 27**
- c. Station location: City: **Madison** State: **WI**
- d. Name of program(s) involved: **the emergency broadcast.**

Note: If your complaint is about closed captioning only, you must first contact the station or video programming distributor. For additional information, see <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>.

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. **Ms. Lenda Scott said that she did get in contact with the TV station and ask about the emergency broadcast and they hang up on her, the person that was talking to her was Ms. Jessica Miller and she just wanted to report that, and she wants to get a apology from this lady.**