



STAMP AND RETURN

October 11, 2011

Via Hand Delivery and E-mail

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

RECEIVED - FCC

OCT 11 2011

Federal Communications Commission
Bureau / Office

Re: Notice of Informal Complaint (NOIC),
FCC No. 11-C00324648 (SK),
KSL-TV (W. David Samuelsen)

Dear Ms. Kimmel:

Station KSL-TV, Salt Lake City, Utah ("KSL"), hereby responds to the above-referenced Notice of Informal Complaint ("NOIC") dated August 26, 2011.¹ The NOIC concerns an informal complaint filed electronically with the Federal Communications Commission ("FCC" or "Commission") by Mr. W. David Samuelsen on FCC Form 2000C in which he checked under Question 1 for type of complaint: "Accessibility of emergency information on television" and "Closed Captioning." While the electronic complaint contained few details, it identified the station, the date (08/13/2011) and time (08:30 pm) of the broadcast complained of and included the note: "Emergency breaking news – no captioning." As demonstrated below, the broadcast material subject to the NOIC did not violate the Commission's rules regarding accessibility of programming providing emergency information.

KSL wishes to emphasize at the outset that it takes great pride in its coverage of emergency events and believes this to be an important service and duty to the community it serves. Upon receipt of the informal complaint, KSL investigated and confirmed that it broadcast a very brief (three and a half minutes) live breaking news cut-in at approximately 8:30 pm on Saturday August 13, 2011, regarding a wildfire near Draper. This live news cut-in did not include closed captioning. The cut-in, however, included an on-screen graphic stating "Wildfire Burning in Draper" for almost the entirety of the report.

The live breaking news report was not the broadcast of emergency information within the meaning of the FCC's rules.² Section 79.2(a)(2) defines emergency information as "Information,

¹ The NOIC is attached as Exhibit 1. KSL notes that it requested and was granted an extension of time until October 11, 2011, in which to respond to the informal complaint.

² Section 79.2(b)(1)(i) of the FCC's rules states that "Video programming distributors must make emergency information, as defined in paragraph (a) of this section, accessible as follows: (i) Emergency

Ms. Susan L. Kimmel
October 11, 2011
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about a current emergency, that is intended to further the protection of life, health, safety, and property, *i.e.*, critical details regarding the emergency and how to respond to the emergency.” The note to Section 79.2(a)(2) provides additional clarification of “critical details”:

Critical details include, but are not limited to, specific details regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one's home, instructions on how to secure personal property, road closures, and how to obtain relief assistance.

The news report did not address any of the “critical details” described in the note to the rule. Instead, the brief, live broadcast stated, among other things, that there were “no reports of damage to the homes,” that “things are actually wrapping up,” that this was the “mop-up phase of this fire,” that fire trucks were “rolling up the hoses,” and that the situation was “very calm, very orderly.” Indeed, the only references in the report to evacuation were that some people were evacuated (past tense) – not that the station was reporting that people should evacuate or take shelter. No information was broadcast on any “critical details” such as road closures, evacuation orders or routes, approved shelters, instructions on how to secure property or seek relief assistance, etc. Thus, the three and a half minute cut-in did not involve the broadcast of emergency information within the meaning of Section 79.2(a)(2) of the FCC’s rules.

In sum, KSL respectfully submits that there was no violation of the Commission’s rules regarding accessibility of programming providing emergency information. Nevertheless, and as noted above, KSL takes our viewers’ concerns very seriously and is committed to making emergency information accessible to viewers with hearing or visual impairments.

Sincerely,



Scott E. Eastmond
Vice President/General Counsel
KSL Broadcast Group
55 North 300 West
Salt Lake City, Utah 84180
(801) 575-7532
seastmond@ksl.com

cc: W. David Samuelson, Complainant (via U.S. mail)
Sherita Kennedy, Disability Rights Office (via email)

information that is provided in the audio portion of the programming must be made accessible by persons with hearing disabilities by using a method of closed captioning or by using a method of visual presentation, as described in §79.1 of this part.”

Exhibit 1

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

August 26, 2011

In reply refer to case number: 11-C00324648 (SK)
(Samuelsen) (KSL-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 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. 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 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), 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.

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

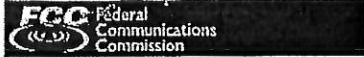
Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Sherita.Kennedy@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses 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.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office/CGB

Attachment(s)
K:613/79.1



Admin 2000 [Switch to Admin1088]

Sherifa.Kennedy [CAM] Logout

- [HOME](#)
 - [SEARCH](#)
 - [NEW COMPLAINT](#)
 - [HELP](#)
 - [DOWNLOAD](#)
- In-Process Complaints
Completed Complaints
Served Complaints

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Form 2000C (Disability Access Complaint) : 11-C00324648-1

- User Form
- Admin Comments
- Serve Review
- Serve Process
- File Attachments
- Letters
- Show All
- Sub Complaints(0)
- Print Form
- Email Factsheet(s)

USER FORM

- [Consumer Party History](#)
- [Consumer History](#)
- [Form History](#)
- [Edit Form](#)

User Complaint Number: 11-C00324648 User Complaint Key: 11-C00324648-1
 Complaint Source: Web Added User: Consumer

Submission date: 08/13/2011

CONSUMER'S INFORMATION

First Name: W David Last Name: Samuelsen

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

PO Box: 11874

Address1: Address2:
 City: Salt Lake City State: UT Zip Code: 84147

Telephone Number(Residential or Business): (801) 503-9545 Ext:

E-mail Address: dsam52@sampubco.com

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:

The party's daytime phone number: () - 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

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
 - 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: KSL.com

City: Salt Lake City State: UT Zip Code: 84180

Telephone number: (801) 575- 5555
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:
4. If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy) 08/13/2011 Time: 08:30 PM and any details of when the event or action you are complaining

about occurred: **Emergency breaking news - no captioning.**

5. If your complaint is about access to emergency information on television, provide the following information:
 - a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):
 - b. Channel (e.g., "13"):
 - c. Station or subscription TV provider system location:
City: County: State:
 - d. Date(s) and time(s) of emergency: and time
 - e.
Detailed description of the emergency (i.e., flood, hurricane, tomado, etc., as well as the areas in which the emergency occurred):
6. If your complaint is about closed captioning, provide the following:
 - a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"): KSL-TV
 - b. Channel (e.g., "13"):
 - c. Station or subscription TV provider system location:
City: County: State:
 - d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite):
 - e. If you pay to receive television programming, name of company to whom you subscribe:
 - f. Name of program(s) involved:
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.