

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

Date: November 27, 2007

In Reply Refer To:07-WB1347775


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.

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 Francine Crawford at (202) 418-2085 or Francine.crawford@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 DAVID DUBAY

Complaint Type:

Account Type:

Congressional Complaint

| | | | |
|----------------------|--|--------------------------|-------------------|
| IC Number: | 07-WB1347775 | Case Type: | |
| Date Received: | 10/19/2007  | Complainant: | David W Dubay |
| Date Entered: | 10/19/2007 | Date Assigned: | 10/23/2007 |
| Entered By: | OSCARServer | Date Reassigned: | 11/20/2007 |
| Assigned To: | Francine Crawford/FCCIN | Service Date: | |
| Date Closed: | | Response Date: | |
| Closed By: | | Original Analyst: | Jada Barnes/FCCIN |
| Close Letter Needed? | <input checked="" type="radio"/> Yes <input type="radio"/> No | Purged By: | Purged Date: |
| | | Removed By: | Removed Date: |
| Supervisor Check: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Indecency Referral Code: | |

Current Status: Pending Analyst Review

Associated Case:

Complaint Summary:

Dear FCC

On Thursday night about 7:20pm Mid Michigan is under a serve weather alert/ tornado watch. The Fire sirens went off in my neighborhood. I was on the telephone and my buddy on the phone said he heard sirins. I am hard of hearing so i did not hear them.

I immediately turned the tv to see what was going on.

Three Tv stations was have emergency broadcasting. NO CAPTIONING.ON ANY STATION DURING the Emergency broadcasting for AT LEAST 20 MINUTES that i know of.

THIS IS UNACCEPABLE HAVE A DELAY IN CAPTIONING WHEN THEY PREDICTED THIS STORM ALL DAY LONG. I am very concern with my safety as well as others.

1. Fox 47 New Lansing Michigan - i know for a good 15 minutes there was no captioning. Then it started.
2. Wilx tv 10 captioned for a few minutes then stopped. a few minutes later it started again.
- 3 wlns- did not have captioning for at least 20 minutes.

ALSO, THE ONLY THING ON THE SCREEN WAS A PICTURE OF TRACKING THE STORM. Only could hear a voice (being hard of hearing i can not understand.) . No pic of the weatherman so i had no chance of lip reading.

Below is the tv stations.

WILX TV 10
<http://www.wilx.com/news/headlines/10290737.html>

TV 6
<http://www.wlns.com/>

fox 47

http://www.fox47news.com/

I appreciate anything you can do in this matter.

Thank You
David Dubay
Lansing Michigan.

| | | | |
|---|--------------------------|-------------------------------------|-------------------------|
| Apparent Carrier(s): | | | |
| <input type="checkbox"/> Yes<<< Check here if you wish to serve both a Wireline and Wireless carrier. | | | |
| Problem Number: | | | |
| Title: None | First Name: David | Middle Initial: W | Last Name: Dubay |
| Contact Name: | David W Dubay | Best Time to Call: | |
| Contact Number: | 5173230860 Ext. | Consumer's Telephone Number: | Ext. |
| Fax Number: | | TTY Number: | |
| Email Address: | davdubay@aol.com | Internet Address: | |
| PO Box: | | Address: | 2925 Lafayette Circle |
| City: | Lansing | State: MI | Zip: 48906 |

| | |
|---|--|
| On Behalf Of: | |
| Company Name: | |
| Party's Name: | Relationship with the Party: |
| Party's Contact Number: Ext. | PO Box: |
| | Address: |
| | City:State:Zip: |
| Other Party that can be contacted? | |
| Name: | Relationship: |
| Contact Number: Ext. | Address: |
| | City, State: Zip: |
| **Amount of credit FCC effort generated: | Duplicate Credit Checked: <input type="radio"/> Yes <input checked="" type="radio"/> No |

Have you paid any of the disputed charges?

Did the company billing for these charges adjust or refund some or all of the disputed charges?

If yes, what was the amount of the adjustment or refund?

a. Name of carrier(s) or company(ies) involved in your complaint: Frontier

b. Telephone number for the carrier(s) or company(ies) involved with your complaint, including area code: Phone: Ext:

c. Which type of service is involved with your complaint:

TCPA Information from 475

1. the telephone number of the individual or company who called or faxed you: Ext:

2. your telephone number(s) on which the call or fax was received: Ext:

3. a description of the telemarketing call, pre-recorded message, or unsolicited fax, including an identification of the company whose products or services were being advertised, and any phone numbers that were included in the call or fax:

4. the "opt-out" number(s) provided in the call(s) or on the fax(es):
(List number(s) given in the call(s) or fax(es) for you to contact if you do not want to receive any additional calls or faxes.) Ext:

5. Have you: (a) purchased anything from the company being advertised in the call or fax;
(b) made an inquiry or application to that company; or (c) given consent to the company to send you the call or fax? If so, please describe and state when you had such contact with the company.

Broadcast Information from 475B

(1) Date of Program: 10/18/07

(2) Time of Program: 7:20pm

(3) Network: fox 47 wilx and wlms

(4) Call Sign, Channel OR Frequency of the station on which you viewed/heard the material: see comments

(5) City and State Where Program Was Viewed: lansing michigan