

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

Read  
4/1/10

OFFICIAL

NOTICE OF INFORMAL COMPLAINT

April 2, 2010

In reply refer to case number: 10-C00207226 (SK)  
(Robinson) (KBMT-TV)

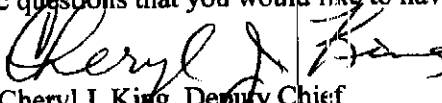
**THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30-DAYS OF THE DATE OF THIS NOTICE.**

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.

**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](mailto: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 Francine Crawford at (202) 418-0287 or [Sherita.Kennedy@fcc.gov](mailto: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:613/79.1

10-C 00207226



Admin 2000

HOME SEARCH NEW COMPLAINT HELP DOWNLOAD  
Basic Search Advanced Search

« Back to Complaints

Form 2000F (Other Communications Complaint) :

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

USER FORM

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

User Complaint Number:

User Complaint Key:

Complaint Source: Web

Added User: Consumer

Submission date: 03/02/2010

CONSUMER'S INFORMATION:

First Name: Mary

Last Name: Robinson

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:

City: 2120 Orange Acres State: TX

Zip Code: 77819

Telephone Number(Residential or Business): (409) 960-7739 Ext:

E-mail Address: MMRts@aol.com

FORM 2000F:

1. Type of company that is the subject of your complaint:

- Telephone Company
- Wireless Carrier
- Internet Access Service Provider
- TV or Radio Station
- Cable Company
- Satellite Provider
- Other

2. Please provide the details of your complaint, including the dates, times and nature of any conduct or activity complained of and identifying information of any companies, institutions or individuals involved:

a. Date (mm/dd/yyyy): 03/02/2010

b. Time: 07:00 PM

c. Name of company or individual: KBMT-DT

d. Details of the activity or conduct that form the basis for your complaint:

This evening when attempting to watch LOST on KBMT 12.1 I was unable to enjoy the ABC programming due to the fact that it was election night and when KBMT ran the election result graphics on the TV, the Closed Caption would disappear. For the full two hours of LOST programming, the repeat and the first run episode, the station would run the graphics during the programming and remove them for the commercials, thus eliminating the CC during the programming. I repeatedly called the station and asked them to return the CC to the programming, and they stated they were attempting to do that, with no result. This is UNACCEPTABLE! I depend on CC for enjoyment of television programming, and without it, to make a pun, I am LOST. For a moment, the CC appeared during programming, but it was CC of the last live station break with election results. So I know it can be done. Please make sure this does not happen again. Please help. I can hear it, I just don't understand the dialog. I need CC