



Federal Communications Commission  
Washington, D.C. 20554

July 1, 2015

Stephen Hartzell  
1600 Wells Fargo Capitol Center  
150 Fayetteville Street  
Raleigh, NC 27601

RE: FCC Informal Complaint No. 14-C00573823 (Mizusawa), 14-C00574030 (Stasium),  
14-C00574251 (Nakamoto),

Dear Mr. Hartzell:

This letter is in reference to the informal complaints, referenced above, that were filed with the Federal Communications Commission (Commission) regarding your client, station KITV-TV, handling of the tsunami advisory of April 1-2, 2014. The complaints implicate the Commission's rules requiring accessibility of programming providing emergency information. *See* 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. I apologize for the delay in replying to your letter of August 1, 2014.

Pursuant to the informal complaint process set forth in section 79.2(c) of the Commission rules, 47 C.F.R. § 79.2(c), the Commission forwarded these three informal complaints to you, along with a Notice of Informal Complaint (NOIC). The NOIC instructed the company to file a response within 30 days of the date of the NOIC which was received in a timely manner.

We have reviewed your response, and other information relevant to the claims made in the complaints. Unfortunately, the perception of risk by the public was greater than called for by the Pacific Tsunami Warning Center which had only issued a short-term advisory which was revised after a few hours. Thus, it was somewhat ambiguous whether the requirements for notification of emergency under 47 C.F.R. § 79.2 would apply. Although the station was not in violation of our rules, it would be desirable to inform the public in an accessible format that the danger had passed. We appreciate your instituting additional practices to alert the deaf and hard of hearing community of the advisories as the level of danger is reassessed. Though not required by our rules, steps to provide closed captioning rather than ENT during an emergency are greatly appreciated. Based on this record, no further action is required by the Commission.

If you have any questions about this matter, please write us at 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, or call us at 1-888-CALL-FCC (1-888-225-5322). TTY users may dial 1-888-835-5322.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Kimmel".

Susan L. Kimmel  
Deputy Chief, Disability Rights Office  
Consumer & Governmental Affairs Bureau