

October 15, 2021

**OFFICIAL NOTICE OF INFORMAL COMPLAINT**

**FCC Complaint Ticket No. 5082882**

The Federal Communications Commission (FCC or Commission) is serving your company with this informal complaint that **Donna Platt** filed with the Disability Rights Office (DRO). This Notice of Informal Complaint (Notice or NOIC) directs your company to follow the instructions below and respond fully and directly to each issue raised in the informal complaint. In your response, please explain how you have addressed the informal complaint. If you need to take steps to satisfy the informal complaint and come into compliance, please summarize your proposed actions and the timeframe for completion. Your response is due no later than thirty (30) days from the date of this Notice.

The informal complaint concerns obligations to transmit televised emergency alert system (EAS) messages in an accessible manner during a national test or actual emergency. (*See 2021 EAS Accessibility Public Notice.*) The Commission's rules require EAS Participants to issue alerts in a manner that allows individuals with disabilities to access the full content. Accordingly, the rules require that the visual message be completely displayed on the screen free from obstructions, and the audio portion must play clearly and fully at least once. Below, please see an excerpted portion of the relevant rule, 47 CFR Sec. 11.51 (emphasis added):

Analog and digital television broadcast stations shall transmit a visual message containing the Originator, Event, Location and the valid time period of an EAS message. The **visual message portion of an EAS alert**, whether video crawl or block text, **must be displayed at the top of the television screen or where it will not interfere with other visual messages, in a manner (i.e., font size, color, contrast, location, and speed) that is readily readable and understandable that does not contain overlapping lines of EAS text or extend beyond the viewable display** (except for video crawls that intentionally scroll on and off of the screen), and in full at least once during any EAS message.

The **audio portion of an EAS message must play in full at least once** during any EAS message.

You can view the entire rule section of 47 CFR Section 11.51 at this link to the Part 11 EAS rules on the FCC's EAS website: [www.fcc.gov/EASRules](http://www.fcc.gov/EASRules).

As your company is the broadcaster, cable television operator, wireless cable operator, wireline video service provider, or direct broadcast satellite provider, we are inquiring into this matter pursuant to section 11.51 of the Commission's rules, 47 CFR § 11.51. If your company asserts that the EAS alert was made accessible, please include in your response a video recording of the material at issue as it appeared on the date and time in question.

Please submit your response to the Commission by replying to this email or via the FCC Consumer Help Center. Be sure to verify the complainant's name and the ticket number. In addition, please include the name of a company representative to whom all future correspondence about the complaint should be directed. You are further directed to send a copy of the response to the complainant, in the preferred format requested by the complainant, at the same time the response is provided to the Commission. Finally, please retain all records that are or may be pertinent to the allegations raised in the complaint for one year after the date of this Notice, unless otherwise instructed.

Failure to respond to a Commission inquiry is considered a violation of a Commission order and can result in the imposition of fines by the Commission. Under section 503(b) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any of the provisions of the Act, or any rule or order issued by the Commission under the Act, shall be liable for a forfeiture penalty.

The Commission may make consumer complaint data publicly available in both aggregate and individual form consistent with the Commission's privacy obligations. This data will include how your company has addressed consumer complaints.

If you have any questions regarding this Notice or the informal complaint, please contact DRO at [DRO@fcc.gov](mailto:DRO@fcc.gov) or by calling 202-418-2517 (voice) or 844-432-2275 (videophone for ASL users). In your message, please include your name, your company's name, the ticket number, and your specific questions. Thank you.

Disability Rights Office

Consumer and Governmental Affairs Bureau

Federal Communications Commission

# #5082882 WUNC - Accessibility of August 2020 EAS Test

**Submitted** October 14, 2021 at 4:24 PM  
**Received via** Web Form  
**Requester** Donna Platt <donna.platt@dhhs.nc.gov>

**CCs**  
 Sherita Kennedy <sherita.kennedy@fcc.gov>

**Status** Open  
**Type** -  
**Priority** -  
**Group** DRO - Main Form  
**Assignee** Sherita Kennedy

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**TV Method** Satellite  
**Accessibility Issues** Emergency Information on TV  
**First Name** Donna  
**Last Name** Platt  
**State** North Carolina  
**Zip Code** 27513

**Time of Issue** 2:20 pm  
**Date of Issue** August 11, 2021  
**Phone (where you can be contacted)** 919-578-1262

**City Where Program was Viewed/Heard** Cary  
**Preferred Method of Response** Email  
**Call Sign** WUNC

**State Where Program was Viewed/Heard** North Carolina  
**Address 1** 110 Grande Meadow Way  
**City** Cary

**Name of Subscription Service**  
 DirecTV

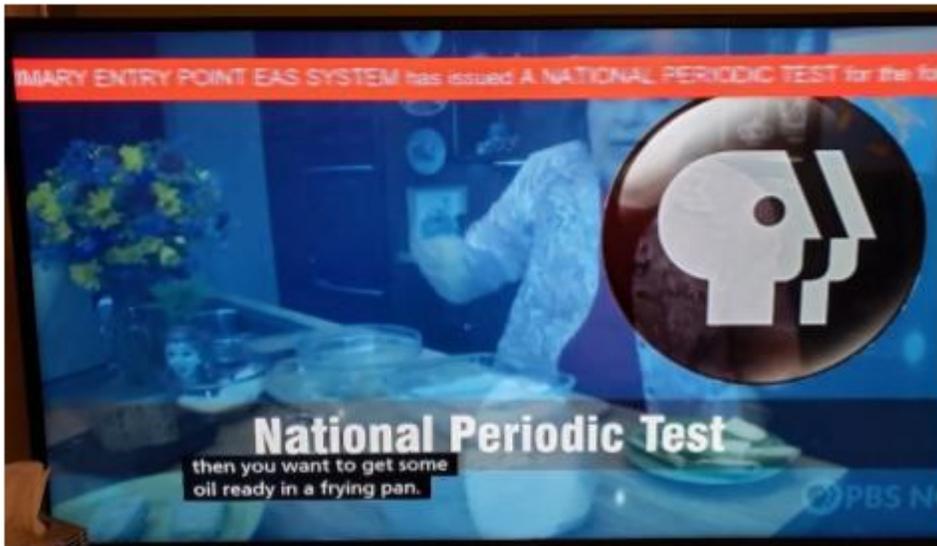
**Donna Platt** October 14, 2021 at 4:24 PM

Consumer observed the EAS Test on WUNC on Wednesday, August 11, 2021 at 2:20pm. Consumer reports that the text scroll speed was slightly faster than she would have preferred, and so this more difficult for the consumer to read the text component of the EAS Test.

Consumer's concern is that the odd, atypical speed of the text scroll speed of the EAS Test which are described above could make it difficult for individuals with disabilities to understand the contents of actual EAS alerts.

**Robert McConnell** October 14, 2021 at 4:26 PM

Internal note



November 15, 2021

Disability Rights Office  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
45 L Street, N.E.  
Washington, D.C. 20554

*Via Email (Sherita.Kennedy@fcc.gov)*

Attn: Sherita Kennedy

Re: Official Notice of Informal Complaint  
FCC Ticket No. 5082882

Dear Ms. Kennedy:

This firm is counsel to The University of North Carolina (“UNC”), licensee of Television Station WUNC-TV, Chapel Hill, North Carolina (“WUNC-TV” or the “Station”).

This letter responds to the Notice of Informal Complaint (“NOIC”) issued to UNC by the Federal Communications Commission (“FCC”), pursuant to Section 11.51 of the Commission’s rules, 47 C.F.R. § 11.51, regarding a complaint filed by Ms. Donna Platt. This complaint has been assigned Ticket Number 5082882 by your office (the “Complaint”).<sup>1</sup>

As an initial matter, UNC takes very seriously the provision of EAS content in an accessible format. Indeed, the Chief Technology Officer for UNC’s statewide public television network is a member of the NC SECC (the North Carolina State Emergency Communications Committee).

The Complaint—which specifically references WUNC-TV’s broadcast of the test script for the August 11, 2021, nationwide EAS test—states:

Consumer observed the EAS Test on WUNC on Wednesday, August 11, 2021 at 2:20pm. Consumer reports that the text scroll speed was slightly faster than she would have preferred, and so this more difficult for the consumer to read the text component of the EAS Test.

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<sup>1</sup> The October 15 NOIC has a 30-day response deadline of November 14, 2021, which was a Sunday. Accordingly, this response is timely filed on Monday, November 15, 2021.

Consumer's concern is that the odd, atypical speed of the text scroll speed of the EAS Test which are described above could make it difficult for individuals with disabilities to understand the contents of actual EAS alerts.

Following receipt of the Complaint, UNC reviewed a recording of the August 11, 2021, broadcast on WUNC-TV of the FEMA/FCC Nationwide EAS Test. That recording can be accessed at [https://drive.google.com/file/d/1FbkTEx5NBKpsQA\\_mRjsbzU4-tT4xmu\\_R/view](https://drive.google.com/file/d/1FbkTEx5NBKpsQA_mRjsbzU4-tT4xmu_R/view).<sup>2</sup> We believe that the video demonstrates an appropriate speed for the August 11 nationwide test message, and we respectfully submit that the test message was legible for viewers. Moreover, there are no user controls in the EAS unit that would allow UNC to adjust the crawl speed for its stations; the speed of EAS test messages and actual EAS alerts is factory-set by the manufacturer. In short, we believe that UNC's distribution of the August 11 nationwide test message was compliant with all applicable Commission rules.

UNC is an agency of the state government of the State of North Carolina. Similarly, Ms. Platt is an employee of another agency of the state government of the State of North Carolina (specifically, the Division of Services for the Deaf & Hard of Hearing of the North Carolina Department of Health & Human Services). As such, we believe that periodic meetings between Ms. Platt and UNC (and/or the NC SECC and/or representatives of the North Carolina Association of Broadcasters) may lead to a better common and mutual understanding of emergency communications by all parties and may better further the objectives of all parties. UNC plans to discuss this idea in the near future with the NC SECC and/or the NCAB.

This response is supported by the attached Certification and Declaration executed by appropriate UNC personnel.

Should you have any further questions regarding the above-referenced Complaint, please do not hesitate to contact the undersigned by email or please feel free to reach out to me on my mobile phone, which is 919-448-6127.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.



Stephen Hartzell  
*Counsel to The University of North Carolina*

cc: Will Schell, FCC (via [Will.Schell@fcc.gov](mailto:Will.Schell@fcc.gov))  
Ms. Donna Platt (via [donna.platt@dhhs.nc.gov](mailto:donna.platt@dhhs.nc.gov))

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<sup>2</sup> The recording is in an mp4 format. Please let us know if you are unable to view the video file.

## CERTIFICATION OF LICENSEE

I, Lindsay Bierman, hereby declare, under penalty of perjury, as follows:

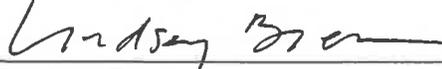
1. I am greater than eighteen years of age and am competent to make this Certification. I am the Chief Executive Officer of PBS North Carolina, which is the brand name for the statewide public television network (including WUNC-TV) owned and operated by The University of North Carolina. I have held this position at all relevant times.

~~2. My signature below indicates, under penalty of perjury, that I have reviewed the Complaint and am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Complaint, and, except for those of which official notice may be taken or those that are supported by references to separate authority, I hereby verify, to the best of my knowledge, information, and belief, the truth and accuracy of the factual information contained therein.~~

**[signature appears on following page]**

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 15th day of November, 2021.

By:   
Lindsay Bierman  
Chief Executive Officer, PBS North Carolina

**DECLARATION OF DONALD SMITH**

I, Donald Smith, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Certification. I am the Director of New Technologies, Compliance & Planning for PBS North Carolina, which is the brand name for the statewide public television network (including WUNC-TV) owned and operated by The University of North Carolina. I have held this position at all relevant times.

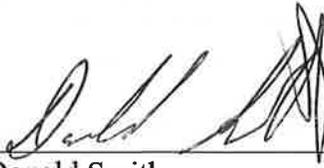
2. My signature below indicates, under penalty of perjury, that I have reviewed the Complaint and am familiar with its contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Complaint, and, except for those of which official notice may be taken or those that are supported by references to separate authority, I hereby verify, to the best of my knowledge, information, and belief, the truth and accuracy of the factual information contained therein.

**[signature appears on following page]**

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 15th day of November, 2021.

By:



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Donald Smith

Director of New Technologies, Compliance &  
Planning, PBS North Carolina