

January 24, 2005

Commissioner Martin, Chair  
FCC  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**RE: Lack of Access to Programming providing Emergency Information**

Dear Commissioner Kevin Martin,

On behalf of NorCal Center on Deafness, its Board of Directors, agency, and the community we serve in 24-northeastern counties in Northern California, I am filing this complaint against three local networks, KXTV-10, KCRA-3, and CBS 13/UPN 31 for their failure to close caption its broadcast emergency information throughout the New Year weekend (Dec 30<sup>st</sup>, -January 1<sup>st</sup> 2006). Their failure to inform deaf, hard of hearing residents were indeed evident as there was no captioning provided during the audio and live segment portions; in addition to lack of closed captioning of emergency information in the video portion of newscast during its regularly scheduled televised news, live segments; both applicable to emergency flood warnings and evacuation notices primarily intended for residents of the Sacramento and San Joaquin Counties, as well as the northern counties. All of whom, were affected by on-going flood warnings, people everywhere were audio informed of evacuations in areas due to levee overflows that is everyone but deaf or hard of hearing residents. Furthermore, there were threats of damages to different rivers - - their levees of then feared, potential cracks and leaks, while elsewhere on the streets of Sacramento were sewer pipes overflowing, designated flash flood areas were sandbagged, evacuation shelters were set up, and yet, none of this information was disseminated via closed captioning from any of these local broadcast news stations. CBS 13 did finally start to caption its information, late afternoon on Jan 1<sup>st</sup>, but by then not only was it too late but its captioning was so bad, its words were often scrambled, cryptic, and/or unclear for the most part, no one could read them.

As Deaf, hard of hearing residents in northern California, we continue to face potentially deadly situations of pending winter storms. This particular weekend however, without access to such emergency information, certainly created a completely stressful situation, with our anxiety growing by the minute, and had there actually been a catastrophic levee break residents who are deaf and hearing, we deaf, hard of hearing, and others with additional disabilities would more likely to have been the last ones to see it coming and/or evacuated.

This is unacceptable. This failure to caption on-going news, live segments, breaking news also becomes specially critical when NorCal Center on Deafness is the agency who is usually contacted when Emergency Responders set out to assist and discover victims who are deaf in times of crises, the question that often comes to my mind - - 24/7 is how in fact can we manage to warn not only our clients, and residents in specific areas, as well as send staff to provide communication assistance if we do not have access to this information ourselves on broadcast news via closed captioning? In this day and time, one would think that Directors of TV News would have a conscientious obligation to remember ALL of California's estimated 3.8 million deaf, hard of hearing, as well as others with visual, and or developmental disabilities with hearing impairment - - all are whom are taxpaying residents, and all are whom should have equally received the same emergency information that was available to individuals who can hear. Granted, we can certainly "see" when the weather is bad, but to know where the danger spots are, and or where to go for help, food, and shelter, we often don't know until its right upon us.

Being that we are still faced with pending dangers through the remainder of the winter season, I require your immediate assistance to correct this serious wrongdoing. Also, need I ask? It would be greatly appreciated if all live segments of news coverage's were consistently captioned (during times of non-emergencies) prior to the county or the state stepping in to declare the disaster an emergency. I would really appreciate it if you could somehow stress upon these stations and all for that matter, of the importance to have access to live segments aired on local TV news via closed captioning on an on-going basis for the same reasons you do, and other persons who can hear: will allow us to keep watch as our hearing peers do, prepare, take measures to, take care of, not only the population we serve, but our staff, their families, and lastly, our own selves.

Bottom line, we should not have to wait for an emergency to occur to get information captioned, is even far worse, when the emergency is upon us, and no access to information that will help save lives. I hope you will agree, one life lost, is one too many.

Thank you,

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