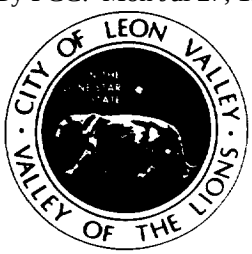
Received By FCC: Mon Jul 27, 1998



CITY OF LEON VALLEY

6400 EL VERDE ROAD • LEON VALLEY, TEXAS 78238

TELEPHONE 210-684-1391

6/25/98

June 19, 1998

EX PARTE OR LATE FILED

Chairman William Kennard
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Ex Parte Filing in case FO 91-171; FO 91-301

Dear Chairman Kennard:

Please reject the proposed change in your Emergency Alert System (EAS) rules. It would prevent people who are watching TV stations on a cable system from receiving emergency announcements from their local public safety authorities.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should have access to emergency announcements from their local public safety authority. To do otherwise, would harm public safety. The proposed change must be rejected, especially any proposal to pre-empt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety. As an elected official, I would be remiss in my duties if I did not strongly point out to you that public safety authorities are on duty 24 hours a day with an obligation and duty to notify the public of emergencies. In today's society, cable television is the most effective way for these public safety personnel to communicate with the public. It goes against your statutory duty and quite frankly, common sense to even consider turning emergency announcement responsibility over to a private party with no public safety obligation, no public safety authority, and no public safety training.

Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case by case basis, as reflected in their cable franchise.

In the case of the City of Leon Valley, I can assure you that we take our public safety duty seriously and spend a good part of our annual budget ensuring that our officials and employees have emergency management training. We also conduct exercises specifically in emergency preparedness. Because we are a suburban community, we have set up specific communications channels to ensure that we are in constant contact with all of the other twenty four communities in our metropolitan area, so that when and if the time comes, we can act in conjunction for emergency alert announcements. We have done all of this through our franchising authority with our local cable company, not our local broadcasters.

The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if a problem at all. The NAB's proposed rule is unacceptable because it guarantees a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

Emergency information on TV stations can be helpful, but typically apply only to weather. Local emergency alerts, on the

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other hand, are used for other types of emergencies, such as hazardous material spills, gas leaks, prison escapes and street closings. TV stations typically don't cover these. This is, in part, because in our area local TV stations serve hundreds of communities. They won't cover local emergencies which affect only one community. Cable systems are often the best or only means for municipalities to alert their residents to local emergencies which reflect local conditions.

The Cable Act allows communities to require cable systems to meet community needs. Local emergency alert systems are a part of meeting such needs. It is improper for you to pre-empt these current protections. Any attempt at such pre-emption would violate principles of Federalism and the U.S. Constitution due to the fact that public safety matter are of vital local concern.

Very truly yours.

Marcy Meffert, Mayor
City of Leon Valley, Texas

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
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Commissioner Michael Powell
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Commissioner Gloria Tristani
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