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June 22, 1998



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

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JUN 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Ex Parte Filing in cases 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 watching local TV stations on a cable system from receiving emergency announcements from their local public safety authorities.

The City of St. Cloud relies on this system to assist in the important task of communicating emergency information to its citizens and those in surrounding communities. Let me explain.

The City of St. Cloud is located in the middle of Minnesota, approximately one hour travel time north of the Minneapolis- St. Paul Metropolitan area. The City is the economic center for north central Minnesota. The City has a population of approximately 60,000 in its corporate limits and more than 110,000 in the metro area. Our local cable television reaches much of this population and is continuing to expand. Commercial television comes from the Twin Cities and has very limited local coverage. For purposes of weather alerts, the St. Cloud area is serviced out of the Chanhassen facility which is equipped with doppler radar. That facility is approximately 70 miles from St. Cloud. Because of that distance and the effect of the curvature of the earth, their radar cannot see below 5000 feet. A lot can happen below 5000 feet that they may not be aware of. That is why that facility, as well as local emergency officials, rely on a system of trained spotters to supplement the information received from Chanhassen. Very recently local emergency officials sounded an alert using our cable system together with sirens. The Chanhassen facility could see nothing on their radar but our spotters recognized a severe weather threat and acted on it. It is that kind of action which saves lives.

On a non-weather related matter, we recently faced a pipeline leak in the eastern portion of our city. The emergency was addressed without the need for evacuation. However, if evacuation were deemed necessary, the cable television system would have been an essential

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means of communicating with our citizens.

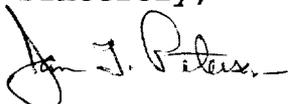
The coverage by commercial television of emergencies in our community is not superior to what we observe here. Those stations do not focus their resources on our community, they focus on the Twin Cities Metropolitan Area. Often coverage of emergencies that occur in St. Cloud by Twin Cities television is after the fact. Once the emergency has occurred it becomes newsworthy. Additionally, the viewing public is not always watching Twin Cities stations. With the variety available on cable, and varying interests on the part of our citizens, we cannot rely on those individuals to be watching a Twin Cities station for emergency information. Local emergency officials must be able to interrupt all broadcasts when, in their judgement, the situation warrants notifying our citizens.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authority. Otherwise the public safety is harmed. So please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts. Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately.

The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if it is 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.

The Cable Act allows communities in renewals to require cable systems to meet community needs. Local emergency alert systems are a part of meeting such needs. Because they are protected by these provisions of the Cable Act you cannot preempt them. And any attempt at preemption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Sincerely,



Jan F. Petersen
City Attorney

cc: City Administrator
Emergency Services Director

JFP:jj