



EX PARTE OR LATE FILED

City of Thousand Oaks

CITY ATTORNEY
MARK G. SELLERS

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JUL 13 1998

July 8, 1998

FCC MAIL ROOM

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 90554

Ex Parte Letter Re: Cases FL 91-171; FO 91-301/

Dear Secretary Salas:

Enclosed are two copies of an ex parte presentation in the above-referenced proceeding.

Very truly yours,

JAMES T. FRIEDL, JR.
Deputy City Attorney

Encl.
cao:641-05:jf:salas.cab



City of Thousand Oaks

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CITY ATTORNEY
MARK G. SELLERS

July 8, 1998

Chairman William Kennard
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

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. 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.

Where they have felt it necessary (such as TV station announcements being inadequate or needing supplementing) municipalities may now require all channel local alert systems in their cable franchises. The City of Thousand Oaks has such a requirement in all three City franchise agreements. It does not make sense to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

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. This decision cannot be turned over by a private party without any public safety obligation. Frankly, to the extent there is overlap of emergency alerts, we see a benefit because the public is that much more informed about public safety issues and events that may immediately impact their lives.

Chairman William Kennard

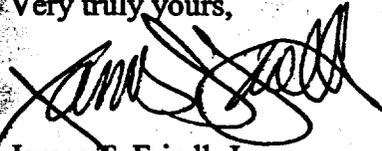
July 8, 1998

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Emergency information on TV stations can be helpful but typically apply mainly to weather. Local emergency alerts are also used for other types of emergencies, such as hazardous material spills, gas leaks, prison escapes, street and bridge closings and local snow emergencies. TV stations typically don't cover these. In part, this is because TV stations serve hundreds of communities. They don'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 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 those provisions of the Cable Act you cannot preempt them. Any attempt at preemption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Very truly yours,



James F. Friedl, Jr.
Deputy City Attorney

cc: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Susan Ness
Mr. John Logan
Ms. Magalie Roman Salas

Cmo:641-05/cable/cableact/b