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## City of Eustis

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June 23, 1998

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

FOO MAIL ROOM

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### Ex Parte Filing in Cases FO 91-171; FO 91-301 ✓

Dear Chairman Kennard:

We request that you reject the proposed change in your Emergency Alert System (EAS) rules, including any proposal to preempt franchise provisions on local emergency alerts. This rule change would prevent people watching local TV stations on a cable system from receiving emergency announcements from their local public safety authorities. All viewers of cable channels should get emergency announcements from their local public safety authority, otherwise, the public safety is harmed. There is no basis for the preemption of state and local public safety authorities, particularly against their will.

Municipalities are charged with protecting the public safety. They have trained public safety authorities on duty 24 hours a day with an obligation and a duty to notify the public of emergencies. When necessary, municipalities require all channel local alert systems in their cable franchises. It is a violation of Federalism, common sense, and your statutory duty 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 to a private party with no public safety obligation. Alert systems relay information to the public when local public safety authorities determine the need for public awareness of an emergency situation. 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 National Association of Broadcasters' (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 to weather situations. 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. Because TV stations serve hundreds of communities, they don't usually cover local emergencies that affect only one community. Cable systems are often the best and the only means for municipalities to alert their residents of local emergencies that reflect local conditions.

The Cable Act allows communities to require cable systems to meet community needs during the renewal process. 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. Public safety matters are of vital local concern; any attempt at preemption would violate the principles of Federalism and the U.S. Constitution.

Sincerely,

HOMER E. ROYALS  
Mayor/Commissioner

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