

EX PARTE OR LATE FILED

City of Titusville

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July 8, 1998

Ms Magalie Roman Salas, Secretary
Federal Communications Commission – FCC
1919 M Street, NW, Room 222
Washington, DC 20554

Subject: Ex Parte Letter

Reference: Cases FL 91-171; FO 91-301

Dear Secretary Roman Salas:

Please reject the proposed change in the Emergency Alert System (EAS) rules that limits Local Franchise Authorities from requesting this system as part of franchise agreements with cable television providers. The concern we must raise relates to the safety and well being of the citizens we serve. Specifically, without the override alert system available to the City, those citizens who subscribe to cable television would be at peril during local emergencies when tuned to a satellite station without local programming.

In this part of Florida we are subject to severe weather swings, coastline distress, and the forest fires we witnessed for the past few weeks. It is therefore imperative that City officials maintain the emergency override system to give its citizens ample time to evacuate or make the preparations necessary to survive natural and man made disasters such as hazardous material spills, gas leaks, emergency road closings, and dangerous law breaker activities. We are sure that you will agree that in an emergency any delay in reaction or the ability to plan and anticipate will increase the probability of life and property loss.

The City supports the concept promoted by the current Cable Act that cable system operators should be responsive to community needs. We believe that as a minimal gesture, our privilege to request the emergency alert system as part of the franchising requirement should be maintained.

Please do not hesitate to call us at (407) 269-4400 x200 if you have any questions or comments about this or any related matter.

Very truly yours,

Larry D. Bartley
Mayor

LDM/rp

C: FCC Commissioners
Mr. John Logan, Acting Chief, Cable Services Bureau
O. Sam Ackley, City Manager
Rey Palma, MPA, Purchasing & Contracting Administrator

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Space City, USA



EX PARTE OR LATE FILED

JACK MILLER
MAYOR

CITY OF DENTON
215 EAST MCKINNEY STREET
DENTON, TEXAS 76201

June 23, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554 ✓

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

Dear Secretary Salas:

Enclosed are two (2) copies of an ex parte presentation in the above-referenced proceeding.

Very truly yours,


Jack Miller
Mayor

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PIO/Letters/Mayor-EASCover.doc

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JACK MILLER
MAYOR
June 23, 1998

CITY OF DENTON
215 EAST MCKINNEY STREET
DENTON, TEXAS 76201

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

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 pre-emption 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 pre-empt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety. They have trained public safety authorities on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Where they have felt it necessary (such as TV station announcements being inadequate or needing supplementing) 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.

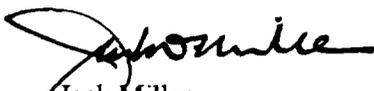
Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case-by-case basis, as reflected in their cable franchise. This decision cannot be turned over by a private party with no public safety obligation.

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.

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 these provisions of the Cable Act, you cannot pre-empt them. Any attempt at pre-emption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Very truly yours,


Jack Miller
Mayor

cc: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, Room 802
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, Room 844
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, Room 826
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, DC 20554

Mr. John Logan
Acting Chief
Cable Services Bureau
918 Empire Building
2033 M. Street, NW
Washington, DC 20554

✓ Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554