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Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Late comments on FO Docket 91-301 / FO Docket 91-171
March 19, 1998 Further Notice of Proposed Rulemaking

Members of the International Association of Emergency Managers (IAEM) are seriously concerned about the harm that could be caused if the FCC adopts this proposed rule that would prohibit cable systems from overriding local broadcast stations' programming with state and local government/EAS emergency messages.

The International Association of Emergency Managers (IAEM) is an organization dedicated to promoting the goals of saving lives and protecting property during emergencies and disasters. With over 1,700 members, IAEM is the primary organization that brings together emergency management professionals from local government, the military, private industry, state and federal governments, volunteer organizations, and others interested in emergency management. Most of its members serve local governments within the U.S. borders.

Small cities and counties, as well as many rural areas, would suffer the most harm if this rule is approved. In many areas, the local cable system is the best and most direct way to warn the public of local conditions requiring protective action — whether the emergency involves the weather, a toxic chemical release, prison escape, or other emergency.

Cable override provisions are written into franchise agreements because they serve an important public purpose: warning the public of danger. Adequate warning is one of emergency management's most critical duties, and one of the most difficult to master. Our members continually reevaluate when to warn and how to warn to assure that the public is concerned enough to act without panic, and that too-frequent "false alarms" don't induce apathy the next time around. We spend too much time on this skill to leave it to someone else, who has neither duty nor accountability for the outcome. In this vein, however, we recognize the need to continue to improve our criteria for issuing public warnings and to cultivate restraint when resorting to overrides.

Even if TV stations do provide news, weather warnings, and other information, they do not bear the responsibility that local government does for the safety of the public. Public safety is at the top of the priority list for local government; it is a competing interest for broadcasters. Suppose a local station deemed a government warning of less public interest than coverage of (say) Princess Diana's funeral?

Calling for selective override systems unnecessarily complicates a system that's already complicated enough. Except at the national level, participation in the EAS is strictly voluntary, and getting the necessary agreements worked out has been difficult in some localities.

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Some communities don't have EAS working in their area cable systems, and don't expect to see it immediately. In fact, in some areas, local governments have not been included in EAS planning, and so must depend on using a cable override system. Furthermore, despite promises to provide overrides, we have reports that some new cable companies are not complying with their promises to provide override capability, claiming that the EAS would do exactly the same thing — which it does not.

Even in some areas that have cable override, emergency managers use that capability to direct viewers to tune to the local stations with news departments — who do frequently have and share the latest information. But by their very definition, emergencies are not predictable, and local officials need the flexibility to be able to warn the public in the most efficient and direct way possible.

Where public safety is concerned, there is no excuse for giving private entities — be they broadcasters, cable companies, or anyone else — the authority to preempt warnings that local government needs to get to the public. Local government has the responsibility to warn, and is held accountable if warnings are not made. They need to be given the tools necessary to do that job.

Here's one final comment from an Iowa emergency manager that underscores the importance of getting warnings out:

“On Monday of this week, the Des Moines metro area was impacted by a severe storm(again!) that resulted in damage to over two hundred homes and businesses. The storm developed just west of the city with relatively little warning. The tornado sirens were sounded, the NOAA radio broadcasts gave out info until the transmitter lost power as the mesocyclone went right through the area where the tower was located, and the TV stations stayed on the air showing unbelievable live pictures of the tornado-like winds as they moved through the downtown area. Despite the 120-140 mph winds that buffeted the city, there were no deaths and only a few injuries initially because people got the warning and took cover. As I write this, the National Guard is in town helping clear tree debris so we can get power back on to 10000 people who have been without it since Monday. Please don't let the FCC take this tool away from us.”

We hope the Commission will consider these comments as you review the record on this important matter. Contact IAEM headquarters with any questions at iaem@aol.com or 703-538-1795.

Sincerely,

Randall Duncan EB

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