VILLAGE OF LISLE

"Small Enough To Be Your Neighbor, Large Enough To Serve Your Needs"

The Arboretum Village

1040 Burlington Avenue **Lisle, Illinois 60532-1898**

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June 30, 1998

EX PARTE OR LATE FILED

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

RE: EX PARTE LETTER REGARDING CASES 91-171, FO 91-301

Dear Secretary Salas:

Enclosed please find two (2) copies of an ex parte presentation concerning the above captioned proceeding.

Sincerely,
VILLAGE OF LISLE

Ronald S. Ghilardi,
Mayor

BA:ba
Enclosures

File: FCC-EAS2

No. of Copies rec'd 0+3
List A B C D E

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EX PARTE OR LATE FILED

June 30, 1998

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

***RE: EX PARTE FILING* IN CASES FO 91-171; FO 91-301**

Dear Chairman Kennard:

As Mayor of the Village of Lisle, I urge you to oppose the proposed change in your Emergency Alert System (EAS) rules. The change would cause great harm to the Village's current system of notifying Lisle residents of local emergencies via the cable television system.

Behind-the-scenes officials at the Federal, State, and local municipal levels of government will attest to the fact that legally all emergencies are considered local events and the responsibility rests on the shoulders of municipal government to respond during an emergency. When an emergency is considered too big for local government to handle, it is our responsibility to make a formal request for assistance from the County. Likewise, if the County finds they cannot provide full assistance, then a request is made to the State of Illinois. Likewise, if the State can't offer enough assistance to the local government, then the Federal Government is called in. ***At all times emergency situations/disasters are the responsibility of local government and legally, under their control.***

Thus, the proposed change from the National Association of Television Broadcasters is in direct conflict with the nationwide EAS philosophy. I understand that television broadcasters are supporting a change to the law that currently allows municipalities to use the cable system to interrupt all

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programming with an emergency alert. The proposed change would preempt state and local public safety authorities with respect to their current ability to send emergency announcements on cable television systems.

We are outraged that the National Association of Broadcasters (NAB) would propose this rule change when the result would be a significant drop in the quality and quantity of information Lisle residents would receive in an emergency situation. Members of the FCC should investigate the reason for this ridiculous proposal from the NAB and should question NAB's motivation to prompt the change, which I suspect relates to decreasing the value added to cable service, as a result of the EAS system as it stands today. A change in the rules may result in devaluation of the value of cable services and a subsequent increase in the value of broadcast television. (Keep in mind that many of the broadcasting companies also own regional newspapers thus they would have a corner on the market for emergency information and the **content** of same.)

We understand that the National Association of Broadcasters is claiming that their emergency alerts are superior to those of state and local public safety authorities; this ***is untrue.*** The truth is that the Village of Lisle has the ability, using a telephone, to conduct a voice override of the cable system with information that is very specific to the community of Lisle. The message would go directly to ~13,000+ cable subscribers/residents. The voice override can be used to refer residents to Government Access Channel 45 for more detailed information. For example, we have a small studio at Village Hall that allows us to place emergency management officials on cabletelevision, live, with voice and video, (by taking about 3 minutes in setup time with no time restrictions on the length of the cablecast) allowing us to provide in-depth information about an emergency event. This type of in-depth information cannot be given in a 30-second clip on regional television.

- During the past 17 years, the Village of Lisle override system has been used to quickly notify Lisle residents of the eminent threat of the DuPage River overflowing its banks in town so that our residents could prepare to evacuate their homes. Because this type of flooding does not occur throughout the Chicagoland region, the information is specific to Lisle.

- I am convinced that Lisle will incur an emergency crisis some day—it's just a matter of time before it happens. We have two major tollroads that frame Lisle on the north and east and intersect with other major highways in Lisle. Thousands of trucks pass through Lisle hourly and many of those trucks are hauling chemicals and hazardous materials.

- The Burlington Northern Railroad runs through the center of Lisle and we host the second busiest stop on that line. Trains transport thousands of passengers daily to and from the City of Chicago and haul thousands of freight cars per month, some of them laden with hazardous materials and unknown chemicals.

- This area of the Midwest is prone to tornadoes. We have local sirens to help warn residents and use spotters to help us determine when to sound the sirens. Our emergency management staff cannot rely on regional broadcasters to warn us of tornadoes because in most cases, as news reporters, they report after-the-fact.

The Village of Lisle is opposed to the National Association of Broadcasters proposed rule change for the following reasons:

1. It will result in viewers receiving less—not more emergency information

2. The FCC lacks the authority to preempt vital public safety functions, namely emergency notification. In particular, it lacks the authority to preempt it and then turn it over to a ***private*** party (TV station) which has no public safety training, staff or obligation.

3. TV stations generally only cover weather emergencies. They typically do not cover such things as hazardous waste spills, street and bridge closings, flooding, gas leaks and local snow emergencies.

4. In Illinois, TV stations serve large areas (several counties, hundreds of cities). Cable emergency alert systems are often the only way municipalities can alert their residents to a **local** emergency (which TV stations cover inadequately, if at all).

5. The Cable Act expressly allows emergency alert systems because in renewals, cable systems must meet community needs. Local emergency alert systems are a part of meeting such needs. The FCC thus cannot preempt them.

6. The proposed rule violates the Constitution and principles of Federalism by intruding on matters of local health and public safety. The proposed rule (if adopted) will only encourage further such incursions in the future.

We urge you to reject the proposed rule change and also urge you to determine why the National Association of Broadcasters would push for a change that would provide less service to people in terms of critical public information.

Sincerely,
VILLAGE OF LISLE

Ronald S. Ghilardi,
Mayor

BJA: ba
cc: Board of Trustees
Carl Doerr, Village Manager
Jeff Smith, Emergency Management Coordinator
Tom Ewers, Emergency Management Coordinator

Commissioner Harold Furchtgott-Roth
Federal Communication 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
191 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 Service Bureau
918 Empire Building
2033 M Street, NW
Washington, DC 20554

Ms. Magalie Roman Salas (two copies)
Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, DC 20554

Attorney Peter Coblentz
Attorney John Pestle, Varnum, Riddering, Schmidt & Howlett

Chief Tom Freeman, Lisle/Woodridge Fire District

Tom Mefferd, Coordinator
DuPage County Office of Emergency Management