

PEPPER & CORAZZINI

L. L. P.

ATTORNEYS AT LAW

1776 K STREET, N.W., SUITE 200

WASHINGTON, D.C. 20006

(202) 296-0600

GREGG P. SKALL
E. THEODORE MALLYCK
OF COUNSEL

FREDERICK W. FORD
1909-1986

TELECOPIER (202) 296-5572

INTERNET PEPOR@COMMLAW.COM

WEB SITE HTTP://WWW.COMMLAW.COM

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
JOHN F. GARZIGLIA
ELLEN S. MANDELL
HOWARD J. BARR
MICHAEL J. LEHMKUHL *
SUZANNE C. SPINK *
MICHAEL H. SHACTER
PATRICIA M. CHUH
LEE G. PETRO *

* NOT ADMITTED IN D.C.

February 8, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

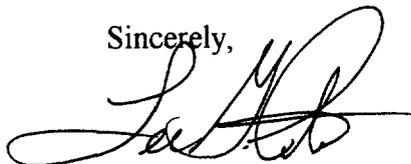
Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Suite 222
Washington, D.C. 20554

**RE: COMMENTS OF MURRAY BROADCASTING COMPANY
In Re Petition for Rulemaking of American Community AM
Broadcasters Association – RM-9419.**

Dear Ms. Salas:

Transmitted herewith are an original and nine copies of Murray Broadcasting Company's Comments to be associated with the above-referenced rulemaking proceeding. Should there be any questions, please contact undersigned counsel.

Sincerely,



Vincent A. Pepper
Lee G. Petro

Counsel for Murray Broadcasting Company

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of: }
 }
Petition for Rulemaking of American }
Community AM Broadcasters } RM - 9419
Association }
 }
To Permit AM Licensees to Hold FM }
Translator Station Licenses }

COMMENTS OF

MURRAY BROADCASTING COMPANY

Vincent A Pepper
Lee G. Petro
PEPPER & CORAZZINI, L.L.P.
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 296-0600

Counsel for Murray Broadcasting Company

February 8, 1999

SUMMARY

Murray Broadcasting Company ("Murray") supports the Petition for Rulemaking filed by the American Community AM Broadcasters Association ("ACAMBA") for the modification of the Commission's rules to permit AM broadcast licensees to operate FM Translator stations.

As the licensee of the only commercial broadcast station licensed to Englewood, Florida, Murray currently is restricted from offering nighttime service due to interference protection provided to Station WSAI(AM) in Cincinnati, Ohio, over 800 miles distant. There are no other engineering options that would permit Murray to operate the station at night. Significantly, Murray is the only station currently licensed to Englewood, and the only station in the Englewood area to provide weather and emergency-related news for the Englewood community. Due to the topography of the Cape Haze Peninsula, on which Englewood sits, substantial flooding occurs during much of the year. There is only one exit route for the Peninsula, which floods quite quickly with little warning.

The approval of ACAMBA's petition, and the resulting change in the Commission's rules, would permit Murray to operate an FM Translator to offer nighttime service to the Englewood community. As such, Murray supports the Petition, and respectfully requests that the Commission move swiftly to modify its rules.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:	}	
	}	
Petition for Rulemaking of American Community AM Broadcasters Association	}	RM - 9419
	}	
To Permit AM Licensees to Hold FM <u>Translator Station Licenses</u>	}	

**COMMENTS OF
MURRAY BROADCASTING COMPANY**

Murray Broadcasting Company (“Murray”), by and through its attorneys, hereby submits the following Comments in support of the Petition for Rulemaking (the “Petition”) filed by the American Community AM Broadcasters Association (“ACAMBA”) to permit AM station licensees to hold FM Translator station licenses. The Federal Communications Commission (“FCC” or “Commission”) released a Public Notice on December 20, 1998 (DA-98-2527) soliciting comments on the Petition.

Murray supports ACAMBA’s Petition, and urges the Commission to modify its rules that preclude a daytime-only AM licensee from obtaining and operating an FM translator to provide nighttime service. Specifically, Murray encourages the Commission to modify the following FM translator rules which restrict the provision of cross-service programming and local origination of programming: §§ 74.1231, 74.1263, 74.1283, and 74.1284. 47 C.F.R. §§ 74.1231, 74.1263, 74.1283, 74.1284 (1998).

I. BACKGROUND

Murray Broadcasting Company has been the licensee of Station WENG(AM) since August 23, 1993, when it purchased the station from its original licensee. After the acquisition of the station, John Murray, the president and sole shareholder of Murray Broadcasting Company, moved to Englewood, Florida in 1993 to personally run the station. Since that time, the station has invested enormous time and financial resources into developing the station's facilities, including the installation of sophisticated weather equipment. In doing so, Murray has shown his dedication to the Englewood community, and truly embodies the ideals of local ownership and diversity which the Commission is attempting to preserve.^{1/}

Currently, Station WENG(AM) is authorized to operate from sunrise to sundown, with limited pre- and post-sunrise authority. Its operation is restricted to protect clear-channel Station WSAI(AM), broadcasting from Cincinnati, Ohio, which is more than 843 miles from Englewood, Florida. There are no other operating commercial stations in Englewood.

In the past, Station WENG(AM) attempted to expand its service by requesting special temporary authority to operate at 58 watts to provide emergency nighttime broadcast service from June 1 to November 30. This is the most common period for serious storms and hurricanes to strike the Englewood area, and Murray sought to provide nighttime service to inform the public in the event of a serious storm. This request was denied by the Commission, as it was deemed to violate Section 73.1635(c) of the Commission's rules by requesting to expand the service of an AM station

^{1/} See *In re Matter of 1998 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MM Dkt. 98-35 (rel. Mar. 13, 1998). Chairman Kennard stated that the Commission "must stay focused on the two key aspects of the public interest; promoting competition and promoting diversity." Commissioner Gloria Tristani stated that the Commission's "interest in promoting a diversity of voices and viewpoints can be satisfied only through a large number of separately-owned competitors in the market." Id.

beyond that specified in its license, and because it would cause objectionable interference to Station WSAI(AM).

Englewood is located on the Cape Haze Peninsula in south-west Florida. A low-lying area, the peninsula suffers chronic flooding from heavy rains, resulting in impassible evacuation routes. *See Exhibit 1(a)*. Making matters worse, emergency officials have determined that there are no suitable sites for shelters on the peninsula. *Exhibit 1(b)*. Exacerbating the situation further is that the Englewood community straddles both the Sarasota and Charlotte County lines. As such, recent attempts to construct additional evacuation routes have been saddled in local and state politics. *See Exhibit 1(c)*. Therefore, early notice of emergency conditions to the area residents is crucial to allow adequate time for evacuating the area.

Murray has invested heavily in developing an early-alert storm system. It has the only Doppler-radar system in the area, and has been designated by the Federal Emergency Management Agency ("FEMA") as the official "Severe Weather Information Station" for southern Sarasota County and western Charlotte County. As discussed in the news articles attached in *Exhibit 1(d)*, attempts to construct a weather radio transmitter system to provide local residents with emergency information have been delayed, and the system is not yet operational. Even with this system, however, those who do not have the special weather radios will not receive local emergency information. Either way, Station WENG has played, and will continue to play, a vital role in informing the local public of emergency conditions, and truly fulfills the traditional role of a local broadcaster.

Since Englewood is located between two larger communities, Port Charlotte and Sarasota, the radio stations in those cities do not focus on the Englewood residents. This has left an enormous dearth of news and weather-related information during the nighttime hours for the local residents.

Rather than receive the local news required to plan for evacuation, the residents are forced to rely on stations located more than 20 miles from their community, which provide news and weather information generated by news services located more than 40 miles from Englewood.

Making matters worse for the local Englewood community is the fact that the only other commercial station allotted to Englewood, an unbuilt FM facility, has received authorization from the Commission to move its transmitter site north of Englewood (BMPH-971211IK) toward Sarasota. In fact, the permittee, Jacor Broadcasting of Sarasota, Inc., needed to use the alternative prediction method to show that Station WLTF(FM)'s modified facilities would provide principal community coverage to Englewood, since under FCC's preferred prediction method, the signal completely fell short of Englewood. Even using the Longley-Rice method, the station's coverage of the 70 dBu contour would not serve 10 percent of Englewood, or any of the population south of Englewood.

As a result of Jacor's northerly movement, the station, if constructed, will not provide primary coverage to any of the Cape Haze Peninsula south of the Englewood city limits. The movement north should not be surprising, however, since Jacor, a publicly-owned, absentee licensee, owns five stations in the Sarasota radio market. In fact, according to the Commission's *Review of the Radio Industry, 1997* report, Jacor dominates the Sarasota radio market, controlling nearly 82% of the advertising revenue. By moving north, Jacor will be able to provide an additional service to southern Sarasota, and will further ignore the needs of the Englewood community.

The result, though, is the removal of the only other Englewood allocation that could provide service to the local community, which clearly indicates that Jacor's is not focusing on providing local coverage to the Englewood community. In this vacuum, Murray will remain the only station providing local service to the Cape Haze peninsula, although only during the daytime hours.

Finally, as further support for the need of local source for weather and emergency information, attached as Exhibit 1(e) are portions of the April 28, 1998 Minutes of the Sarasota Board of County Commissioners. In addition, attached are letters from:

- Matthew D. DeBoer, Chairman of the County of Charlotte Board of County Commissioners;
- Mac V. Horton, Vice Chairman of the County of Charlotte Board of County Commissioners;
- Donald J. Coppola, Member of the County of Charlotte Board of County Commissioners;
- Adam Cummings, Member of the County of Charlotte Board of County Commissioners.
- Michael Youssef, a former Charlotte County Commissioner;
- Wayne P. Sallade', the Director of the Office of Emergency Management for the County of Charlotte;
- Bennett A. Rock, Jr., Fire Chief of the Englewood Area Fire Control District; and
- James A. Elder, Administrator of the Englewood Water District;

Each letter details the need for Station WENG(AM) to operate during the nighttime. For example, Matthew D. DeBoer, the Chairman of the Charlotte County Board of County Commissioners noted that the Cape Haze peninsula is only "a few feet above sea level and currently, there is only one evacuation route of the area" and that "[e]mergency officials depend on advanced warning systems, such as radio and television to warn the public of pending threat[s]."

Another letter, from Adam Cummings, a Charlotte County Commissioner, stated that the FM translator "would make WENG AM 1530 the vital source of emergency information that is needed in this area", and that, in the past year, the Englewood community was:

"threatened by several hurricanes, brush fires caused by severe lightning storms, driving rain which caused flooding on many roadways...**which cannot now** be brought to the community's attention in a timely manner, or with any real accuracy. [emphasis added]

The weather information is not accurate or timely because, as Donald J. Coppola stated, "the only weather information available is broadcast from stations 50 to 100 miles away, and it's truly a

guessing game to determine what might affect [Englewood], and when." Instead, as Michael Youssef stated, "WENG receives information from both the Charlotte and Sarasota County Emergency Management Offices, and can relay that information in seconds."

In light of these considerations, Murray filed an application for a new FM translator on May 4, 1998. In the application, Murray requested a waiver of the Commission's rules prohibiting cross-service programming and local origination of programming for FM Translators. In addition, Murray requested a waiver of the freeze on new and major change applications, citing the grant of a waiver request to file an application for a new FM translator to be located at Mammoth Lakes, California. (rel. Apr. 21, 1998). Since the grant of that waiver, the Commission also granted a waiver to file an application for a new FM translator at Eagle Nest, New Mexico. (rel. Nov. 16, 1998). However, Murray's application and waiver request have never been released on public notice, or even accepted for filing, despite that fact that there is a substantiated need for nighttime service for the local Englewood community. Further, Murray is in a unique position to offer this service to its community of license. As the attached exhibits indicate, the Englewood community is in dire need for local, specific weather information. This service can be provided fully only if Station WENG(AM) is permitted to operate an FM translator during the nighttime hours. The ACAMBA Petition, if granted, would permit Murray to provide this service.

II. DISCUSSION OF RULES TO BE MODIFIED

As previously noted, the use of FM translators by AM licensees will require the modification of the Commission's rules relating to FM translator stations. First, Sections 74.1263 and 74.1283(c)(1) of the Commission's rules must be changed, since the proposed FM translators are intended to operate at night, and daytime-only AM stations are prohibited from operating during

the night. Therefore, it would be impossible to broadcast station identifications at the times specified in the rules, or for the FM translator to only broadcast during the times that the primary station is operating.

In addition, Sections 74.1231(f) and 74.1231(g) would need to be changed as these rules only permit 30 seconds of local originating programming every hour. Since the AM station would be using the FM translator to provide regular radio programming during the night, it would be both broadcasting new programming during the night, and exceeding the 30-second local originating programming limitation.

Murray understands that the Petition involves the modification of several Commission rules. However, the underlying purpose of the FM translator would be to supplement an AM station's current service, to "fill-in" when the AM signal cannot serve the local community. Further, as detailed below, the circumstances surrounding the Commission's previous reluctance in permitting AM licensees to operate FM translators has changed, as it has granted authorizations for such service in Alaska, Tennessee, and Florida in the past.

III. PAST REVIEW BY THE COMMISSION OF PROPOSALS FOR AM STATIONS TO UTILIZE FM TRANSLATORS ARE OUTDATED, AND INAPPLICABLE IN THIS CASE.

The Commission has rejected previous proposals for the utilization of FM translators by AM stations. In each case, however, the Commission rested its decision on grounds that do not currently apply.

For example, in 1981 the Rocky Mountain Broadcasters Association petitioned the Commission to permit AM stations to use FM translators to broadcast their signals beyond their predicted 1 mV/m contour. *Amendment of Part 74, Subpart L of the Commission's Rules pertaining*

to *FM Translators*, 49 Rad. Reg. (P&F) 1499 (1981). The purported purpose behind the proposed plan was that AM broadcast stations, using FM translators, could provide service to sparsely populated areas and those areas not receiving local primary service. ¶ 1.

The Commission rejected the proposal, stating that the proposal's effect would only serve to fill-in the current service area. Since the propagation characteristics of AM stations do not lead to the same problems for which the FM translator station service was created to solve, i.e., to fill in service to "void" areas within the service contour, the Commission determined that there was insubstantial merit in the proposal.

The Commission also reviewed the possibility of using FM translators for rebroadcasting AM stations in its comprehensive rulemaking proceeding commencing in 1988.^{2/} In its *NOI*, the Commission expressed its willingness "to consider the possibility of permitting FM translators to be used to rebroadcast the signals of AM stations. ¶ 56. Further, it noted that FM translators "theoretically could resolve problems of nighttime reductions in service area many AM stations experience, particularly if the translators were permitted to be fed by signal delivery methods other than over-the-air delivery." ¶ 59.

Despite this awareness, and substantial support from those commenting on the proposal, the Commission's *NPRM* proposed to continue the prohibition on cross-service broadcasting. ¶ 83. The Commission stated that FM translators would not be needed to "fill-in" the AM signal, due to AM ground-wave propagation characteristics. More significantly, though, was the Commission's stated intention to improve the AM service and its competitiveness with FM stations through a

^{2/} Amendment of Part 74 of the Commission's Rules Concerning FM Translator Stations, *Notice Of Inquiry*, 3 FCC Rcd 3664 (1988); *Notice Of Proposed Rule Making*, 5 FCC Rcd 2106 (1990); *Report And Order*, 5 FCC Rcd 7212 (1990), recon. denied, rules clarified, *Memorandum Opinion And Order*, 8 FCC Rcd 5093 (1993).

"comprehensive" rulemaking proceeding. Id. This proposal was adopted in the Report and Order. Therefore, despite its initial support for the expansion of the FM translator service to allow for their use by AM stations, the Commission decided to address AM service problems in separate proceedings.

In those proceedings, though, Murray's problems, along with those of most other daytime-only AM licensees, were not allayed. While the Commission did reduce adjacent channel interference,^{3/} and permit a limited number of stations to migrate to the AM Expanded Band,^{4/} Station WENG(AM) is still forced to protect WSAI(AM), and will be forever precluded from expanding its service to the local Englewood community. Without the requested relief, Murray will not be able to provide local news and weather during the night; information that could possible save thousands of lives.

Furthermore, the Commission has, in other similar limited circumstances, authorized AM stations to utilize FM translators. For example, the Commission routinely grants applications for translators to Alaska radio and television stations.^{5/} As referenced by the Commission in the Wrangell Radio Group decision, the Commission began in 1972 allowing broadcast stations in Alaska to operate FM and TV translators to provide service to areas previously unserved by local stations. *Memorandum Opinion and Order*, 75 FCC 2d 404 (1980). In support of its decision to permit this service, the Commission stated that it may:

^{3/} Amendment of the Commission's Rules to Improve the Quality of the AM Broadcast Service by Reducing Adjacent Channel Interference and by Eliminating Restrictions Pertaining to the Protected Daytime Contour, *Report and Order*, 4 FCC Rcd 3835 (1989).

^{4/} Review of the Technical Assignment Criteria for the AM Broadcast Service, *Report and Order*, 6 FCC Rcd 6273 (1991), reconsideration granted in part and denied in part, 8 FCC Rcd 3250 (1993).

^{5/} Stations K235AC, Sitka, Alaska; K235AD, Wrangell, Alaska, K235AJ, Haines, Alaska; and K221DI, Tanana, Alaska.

on its own motion waive such of its rules as the public interest may require in authorizing broadcast services...We find on the basis of the record before us in this case, sufficient public interest reasons for waiver of the translator rules to allow small, remote Alaskan communities the opportunity to receive off-the-air broadcast programming.

Id. ¶ 10. In addition, the Commission has also permitted Station WAMB(AM), Donelson, Tennessee to operate an FM translator during nighttime hours. This authorization was granted in response to severe interference arising from the operation of a Cuban AM station. The licensee documented that there were no other viable solutions, and the Commission granted special temporary authority, based, in part, on Section 303(g) of the Communications Act, which "mandates the Commission to 'provide for experimental uses of frequencies, and generally encourage the larger and more effective use of the radio in the public interest.'"^{6/}

Finally, the Commission has shown interest in authorizing a completely new FM service, based on the request for Comments regarding the Petitions for Rulemaking filed by Nickolaus E. Leggett and J. Rodger Skinner. The Petitions request that the Commission authorize a new low-power FM service that would permit the operation of FM stations between 1 watt and 3 kW of effective radiated power. Such a service would be very similar to the operation of an FM translator. Under either proposal, the FM service would be offering original programming, at a lower power than a full-service FM station. Murray filed supportive comments in that proceeding, advocating a preference for daytime-only AM stations.

^{6/} See *Letter by Donna Searcy*, Sept. 17, 1990, to Ann Bavender, Esquire (located in Station WAMB(AM)'s station file at the Commission). The Commission also cited three other stations, located in Florida, which had authority to operate FM translators in conjunction with its AM service.

Thus, the Commission already grants waivers of the translator rules where it recognizes a benefit to the public interest. The instant Petition would merely guarantee an opportunity for a limited number of AM stations to better serve their local communities.

IV. THE GRANT OF THE PETITION WILL NOT UNDERMINE COMMISSION POLICY

The grant of the instant Petition will not undermine the policies relating to FM translators, or AM daytime-only stations. First, the grant of the Petition will not undermine the underlying policy of the FM translator service, since AM stations would be merely "filling-in" the service of its AM station which is being forced to turn off its transmitter at sundown to protect distant AM stations. Since the FM translator service was introduced to provide local service to local communities lacking primary service, and to fill in those voids in service of the primary station, the use of an FM channel will be effectuating the same goals that were stated at the service's inception. Furthermore, the Commission already permits the proposed service in Alaska, Florida, and Tennessee.

Finally, should the Commission grant the Petition, it will be further effectuating the goal of making AM station competitive forces in the broadcast industry. The Commission has acknowledged that daytime-only AM stations exist at a great competitive disadvantage, noting that "during important parts of the year, daytime-only stations were not able to operate during some of the very hours when such service was most needed...[and]...this limitation affected the stations' overall ability to compete in the marketplace."^{7/} The Commission concluded that "[d]aytime-only stations are seriously restricted in their ability to compete in the marketplace and to serve their listeners." *Id.* ¶9.

^{7/} Unlimited-time Operation by Existing AM Daytime-Only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-Only Stations; Minimum Power of Class III Stations, *Report and Order*, 2 FCC Rcd 7113, ¶5 (1987).

In light of these conclusions, the Commission ceased authorizing new daytime-only AM stations. Also, as discussed above, it modified its rules to limit interference between stations, and to establish the Expanded AM band. None of these modifications, however, changed the status of a large number of AM stations that are still operating with reduced power at night, or are forced to cease operation at sundown. These stations such as WENG still operate at a comparative disadvantage, and are restrained from operating "during those hours when such service is most needed".

As such, the grant of the Petition will not undermine the policies of AM broadcasting. Instead, its grant will respond to the special circumstances surrounding AM stations that did not receive authority to move to the expanded band, and are still restricted from offering nighttime service. Therefore, the grant of the Petition would only apply to those stations, like WENG(AM), that cannot offer service at night, and is surely limited enough in scope so that its grant will not be seen to undermine either the AM broadcasting rules or the FM translator rules. Rather, it will apply only to those special circumstances where the public interest will be served by offering nighttime aural service.

V. CONCLUSION

Therefore, Murray Broadcasting Company respectfully requests that the Commission favorably consider ACAMBA's Petition, and develop rules to implement its provisions. Daytime-only AM stations such as WENG(AM) have consistently served the daytime broadcasting needs for

their local communities. Rules to permit such stations to provide continuous service to their communities must be seriously considered.

Respectfully submitted,

MURRAY BROADCASTING COMPANY

By 

Vincent A Pepper
Lee G. Petro

Counsel for Murray Broadcasting Company

PEPPER & CORAZZINI, L.L.P.

1776 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 296-0600

February 8, 1999



A



Exhibit 1(a)

TOO MUCH WATER: STORMS LEAVE AREAS FLOODED



STAFF PHOTO, AMY SHARP

Anna Krawczuk of the Jockey Club, North Port, uses concrete blocks to get to her mailbox Friday.

Families scramble as river rises

The Myakka River is expected to crest Sunday at 3 feet to 4 feet above flood stage.

By Andy Crain and Bebe Bahnsen
STAFF WRITERS

After receiving up to 7 inches of rain over the past two days, dozens of south Sarasota County residents braced Friday for what is expected to come next: floods.

The Myakka River, more than a foot above flood stage at the Myakka State Park on Friday evening, is expected to crest Sunday at 3 feet to 4 feet above flood stage, according to the National Weather Service. The river was expected to begin flowing into homes Friday evening.

"It's not in the house yet, but it's coming," said Randall Aitken, who Friday had already removed most of the furniture from the first floor

of his home on Dixon Road, along the Myakka's banks. "About another 6 inches higher, and it'll be in the house.

Friday afternoon, the river rose at a rate of about an inch an hour.

This week's flooding will be the ninth time the Myakka has come into Aitken's home since he bought it in 1982.

Down the street, Arlene Dixon and her family had nearly completed preparations for the expected flood. Packing up furniture and other valuables was easy: Most of their belongings had remained packed up since the last flood, the weekend of Feb. 21-22.

Residents up and down Dixon Road said they had resigned themselves to yet another flood.

"If it'd stop raining, we might be able to get out of this, but I doubt that'll happen," said Nick Chouinard, 13, just before a midafternoon storm dumped more rain on the soaked region.

In other parts of the county, the water had already come. Several streets in North Port re-

Twisters hit Georgia, N. Carolina. 3A

sembled small creeks, having filled with pooling rainwater with nowhere to go.

Water filled the streets and began creeping up toward mobile homes in the Myakka River Mobile Home Park, off River Road near North Port.

"It looked like a good dozen trailers were sitting out in the middle of a lake," said Ed Boyman, describing his trip to the laundry room set in the most water-logged area of the complex, earlier in the morning. "I would guess that it's not the worst that I've seen, but it way up there."

Further east, residents on or near the Myakatchee Creek could be forced to evacuate this weekend, North Port Road and Drainage Director Juan Florensa said Friday morning.

"The water levels are very, very high on the

PLEASE SEE RAIN ON 16A

\$13,000 SCAM ALLEGED

Myakka threatens to inundate homes

RAIN FROM 1A

creek and it continues to rise about an inch an hour," Florensa said.

The prospect of more rain, plus the arrival of runoff water from upstream, poses a significant threat, he warned.

"We drain a large part of Sarasota County, and that (water) will reach us in the next 2 to 3 days. The system has taken about as much as it can without serious flooding," he said. "People who live on the creek know the dangers of living on the water and they should be ready to take action at a moment's notice."

Later in the day, Sam Fusco, the city's stormwater division manager, reported that the creek likely would not rise high enough to enter any homes, although it might reach up to garages and porches.

In Port Charlotte, the longterm effects of the heavy rains were blamed for cutting off service to about 2,400 Sprint customers, said Brian Craven, spokesman for the telephone company.

"It happened at the corner of Olean and Harbor Boulevard on Thursday at approximately 4 p.m.," Craven said. "The high water table cracked a main cable with 3,000 phone lines and allowed water to come in. When water gets into a phone cable, it effectively shorts it out."

Federal aid

Southwest Florida homeowners and businesses that suffered economic losses this winter may be eligible for federal or state disaster aid.

Assistance can include temporary housing or repairs, low-interest loans to homeowners, renters and business owners, and cash grants to individuals and families.

For more information, call the Federal Emergency Management Agency's helpline at 1-800-525-0321.

Workers labored through Thursday night to repair the outage, but severe weather, including high winds and lightning, hampered their efforts. A structure was erected over the cracked line Friday to keep the rain out.

"They've dug it up and are trying to dry it out," he said.

But at 3 p.m., 100 residential and business customers were still without phone service.

Craven said the company is bracing for more bad breaks.

"We've been on heightened alert to this kind of thing because of El Nino and the high water tables," he said. "We're expecting more of this."

Staff writer Donna Hatch contributed to this report.

POLICE BEAT

From page 1

Wolke of Venice, suffered minor injuries and did not need medical attention.

The crash happened near Washington Loop Road about 2 p.m.

★ FLOODED

From page 1

problems, such as sedimentation under bridges and overgrown vegetation along the Phillippi Creek. The emergency ordinance also covers stormwater problems affecting Manasota Beach Road, Gulfview Estates on State Road 776 and other drainage trouble spots in the county.

The emergency ordinance recognizes the recent storm events as resulting from the impacts of El

Niño, and that allows the county to apply for Federal Emergency Management Agency funds.

The board also directed staff to determine when the county might purchase residences or offer financial assistance in flood-proofing homes. Commissioners also wanted staff to explore opportunities for FEMA funding.

The worst flooding of Sarasota County homes is still in residences along Phillippi Creek located along Bahia Vista Street in the Lockwood

Ridge area of Sarasota. The homes are located on the Main A Canal of Phillippi Creek. Part of the problem is that 97 homes sit in the low-lying flood plain.

Many of the homes were built 10 feet above sea level. When Phillippi Creek rises above 10 feet, Goodknight said, creek water starts to back into the neighborhood.

Goodknight suggested a plan that called for buying 31 homes along the banks of the creek. The county would then construct a levee along

the creek and would also install pumps and a pipe stormwater system that would help pump water out of the low-lying community.

"I really hate to think of this as just buying homes," Goodknight said. "I like to think of it as trying to flood-proof this whole neighborhood."

Preliminary cost estimates show the county would need to spend \$6.2 million, with \$3.1 million for the purchase of the homes, Goodknight said. He said Phillippi Creek residents could see a \$12 to \$15

increase on their assessments for stormwater improvements.

Since half the homes are within the city of Sarasota, the county's capital improvements would have to be coordinated with the city's stormwater improvements.

Staff identified 63 homes that flood chronically and no stormwater improvements can help. Goodknight deferred to commissioners to define policies if the county were to buy those homes or help flood-proof them.

Flooded with concerns

Commission passes ordinance to deal with storm problems

By STEVE REILLY
Staff Writer

Sarasota County took another step forward Tuesday to try to stem flooding.

The county has been aggressive in its stormwater program to ward off flooding in residential communities. Now, county commissioners say they are willing to buy homes in the Phillippi Creek drainage basin to stem flooding.

While flooding has been most dramatic within the Phillippi Creek basin, it is emblematic of what's seen throughout the county, said John Goodknight, the county's transportation director.

Commissioners issued an emergency ordinance that will allow Goodknight to expedite contracts that could help clear up stormwater

Please see FLOODED, page 6

Roads flooded by downpour

Flood watch remains on through today in Sarasota County

By JOHN HACKWORTH
Senior Writer

When Wayne Sallade talks about March Madness, he's not thinking basketball.

Sallade, emergency management director for Charlotte County, said weather watchers in Florida have given the recent bout of stormy weather the nickname normally reserved for college basketball's NCAA tournament.

"We have 35 of Florida's 67 counties under a presidential disaster declaration, and now they're calling for more storms," Sallade said.

Thunderstorms and heavy rain that started about 4 a.m. Thursday gave an early wake-up call to many. And, a couple of hours later, there were flooded streets and parking lots that slowed traffic as people left for work.

Sallade reported as much as 5.1 inches of rain fell between 2 a.m. and 7 a.m. Thursday in Murdock, with 3.69 inches reported in

Deep Creek and 2.2 inches at the Charlotte County Airport.

Thursday evening, another wave of storms passed through the area, dropping additional rain on soaked roads. Mike Crow of the National Weather Service said he expected an additional 1 to 2 inches of precipitation by midnight.

Neil Garvey, who lives off Sumter Boulevard in North Port, said his rain gauge showed 7 inches fell near his home early Thursday.

In addition to problems caused by the rain, lightning knocked out power to 115 Florida Power and Light customers along Quesada Avenue in Port Charlotte. "We got the first call about 4:18 a.m. and power was restored by 8:15 a.m.," Beth Schurr, spokeswoman for FPL, said.

For Garvey, who is coordinator for Saturday and Sunday's Placida Seafood Festival, the rain is even more of a headache.

"As long as it holds up, that will be great," he said Thursday morning as skies tried to



Staff photo by John Hackworth

Cars slow down and splash through water that covered Veterans Boulevard in Port Charlotte Thursday morning. The rain should slow down and stop by late this afternoon.

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★ FLOODS

From page 1

clear over the boat dock and shops in Placida where the festival is scheduled. "I've heard several weather reports today and, depending on who you listen to, we might be OK."

Indeed, the festival should be dry, according to National Weather Service forecaster Dan Miller. But there will be a price to pay before things clear up Saturday.

Miller said more heavy storms were expected early today and scattered showers should extend into this afternoon. There is a 70 percent chance of rain in Charlotte County, and an 80 percent chance of rain in DeSoto and Sarasota counties.

After that, however, things should clear up for the weekend with drier, cooler weather expected. Highs in the 70s and lows in the 60s are predicted.

DeSoto and Sarasota counties were under a flood watch Thursday night, with Sarasota's extending through today.

"We expected some more locally heavy rain and, with what has already fallen, we could have some problems in low areas and around tracks," Miller said.

Sallade said this week's bad weather is just a continuation of a

fickle pattern of storms and unseasonable temperatures the nation is experiencing because of El Niño. However, he said the unusual weather phenomenon may be nearly exhausted.

"We're in a subtropical jet stream caused by El Niño," he explained. "Usually there is only one jet stream across the nation. This winter there

have been two, with the most northern jet stream keeping the cold air bottled up in Canada, for the most part.

"Last week there was a kink in that jet stream, and it looks like El Niño is in its final throes."

And that, he said, would be good news to anyone tired of tornadoes, thunderstorms and unpredictable weather.

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EMERGENCY BULLETIN

THIS IS AN OFFICIAL ADVISORY FROM THE CHARLOTTE
COUNTY EMERGENCY OPERATIONS CENTER

For Immediate Release

Date: March 20, 1998
Contact: Wayne Sallade, Director of Emergency Management
S. Shane Stovall, Emergency Planner
Phone: (941) 743-1270
Fax: (941) 743-1290

SMALL BUSINESS ADMINISTRATION DISASTER FIELD OFFICE OPEN TO ASSIST RESIDENTS AND BUSINESS OWNERS AFFECTED BY RECENT STORMS.

The Small Business Administration has opened a Disaster Field Office to assist residents and business owners of Charlotte County, Lee County, Collier County, Hendry County, and Glades County who were affected by the February 2-4, 1998 storms. The Small Business Administration will be accepting applications for low interest loans from those affected by these storms. They will make these loans available to cover economic and physical injuries that may have been incurred by the business and residential communities of the listed counties.

The Small Business Administration has opened its office on Pine Island in Lee County at the Pine Island United Methodist Church located at 5701 Pine Island Road. Interested parties are asked to apply between 9 a.m. - 6 p.m. Monday through Saturday, beginning March 24, 1998 through April 2, 1998.

For those who are not able to make it to this Office, applications can be requested by calling 1-800-359-2227.

B

Exhibit 1(b)

B SARASOTA
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TRIBUNE

Friday, July 11, 1997

LOCAL/STATE

Venice/North P
Community Square
Obituaries

2 counties turn to state for road

Charlotte and Sarasota ask for funding for evacuation route.

By Bryan Long
STAFF WRITER

In an about-face Thursday morning, the commissioners from Sarasota and Charlotte counties asked the state to fund one of two hurricane evacuation routes planned for the Cape Haze Peninsula.

A joint meeting at Lemon Bay Park between the two commissions brought a speedy vote to ask the Florida Department of Transportation to pick up the tab for a construction project with an estimated cost of \$60 million.

In March, the two boards agreed to cooperate in building two north-south routes out of Charlotte County to Interstate 75 in Sarasota County. The routes would begin at Pine Street or Winchester Boulevard. Four options have been identified for the two routes and each option has the same estimated construction cost, but the counties have not approved any of the four options.

The commissioners hope the state will add the proposed Englewood interstate connector to the state highway system. Not only would the state build the road, or

Counties turn to state for I-75 connector

ROUTE FROM 1B

widen existing roads, but it would also be responsible for maintenance.

"This is an issue about responsibility," said John Goodknight, Sarasota County transportation director. "We're asking the state to take responsibility for providing interstate access for the people in this area."

For now, there are no roads with quick access to the interstate from the low-lying peninsula region, which includes the communities of Englewood, Grove City, Rotonda West and others. Emergency managers for both counties have said there are no suitable sites for hurricane shelters on the peninsula. The combination of factors puts residents in the area communities in an extremely vulnerable position during strong storms.

Emergency routes have been planned for decades, but only re-

cently have the two counties agreed to work together to build the roads out of Charlotte County to Interstate 75 in Sarasota County.

The resolution passed Thursday would allow the state to choose which project, if any, they want to build.

Goodknight, who has lobbied recently for state funding on this project, said the shift from using county funds for both projects to calling for state aid is "a pretty significant change."

The commissioners briefly debated the merits of passing the resolution.

There was some concern about whether the resolution made a realistic request for state funding and whether a specific route should be assigned first.

Gene O'Dell, public information director for FDOT, said the request does not seem unreasonable and that resolutions do not need to identify specific routes.

"Resolutions are a formal expression of intent to get something done, not a specific proposal," O'Dell said. "It's certainly a wake-up call that they want something done and we're willing to sit down with them, work with them and see what they need."

But that doesn't mean the project is close to approval and it certainly is not close to construction.

Even under the best conditions, a single corridor leading to the interstate with multiple lanes is five to 10 years away. The earliest projection would depend on the counties funding the construction and being reimbursed by the state through a joint partnership agreement.

Goodknight said he remains hopeful the state will fund the project.

"If we keep working at it, I think there's a fair chance this could happen," he said.

PLEASE SEE ROUTE ON 4B