

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
) FO Docket No. 91-301  
Petition for Waiver of the Commission's ) FO Docket No. 91-171  
Emergency Alert Requirements for )  
Cable Television Systems )

To: Chief, Technical & Public Safety Division  
Enforcement Bureau

**PETITION FOR EMERGENCY 60-DAY WAIVER DUE TO EXIGENT  
CIRCUMSTANCES**

*I. Introduction*

This emergency petition is submitted on behalf of Cass Cable TV, Inc. ("Cass") to request a temporary 60-day waiver for compliance with the Emergency Alert System ("EAS") requirements in Section 11.11(a) of the Commission's rules for three of its cable television systems. This rule requires that by October 1, 2002 all cable systems with fewer than 5,000 subscribers must provide national level EAS messages on all channels, or have EAS equipment capable of providing audio alert and video interrupt on all channels, and EAS messages on one channel. All cable systems with fewer than 10,000 subscribers but more than 5,000 subscribers, must have EAS equipment capable of providing audio and video messages on all channels. The three systems for which Cass is presently seeking a temporary 60-day emergency waiver are as follows:

<u>Headend</u>	<u>No. of Subscribers</u>	<u>CUID Numbers</u>
Palmyra, MO	930	MO001372
Pittsfield, IL	1464	IL003463
Virginia, IL	6856	IL001366
		IL003358
		IL029308
		IL002457
		IL003282
		IL035490

This petition is separate and apart from the EAS petition that Cass filed on July 16, 2002, currently pending before the Commission.<sup>1</sup> In that petition, Cass is seeking a five-year extension of time to comply with the EAS requirements for its four smallest cable systems, each serving fewer than 130 subscribers. The basis for the July 16, 2002 waiver petition is financial hardship.

The present petition arises because of a unique situation that Cass is facing. Aside from the four systems subject to the earlier petition and pending Commission determination, Cass planned and intended to become fully compliant with the Commission's EAS requirements for all of its remaining small systems by the October 1, 2002 deadline. To achieve compliance, Cass contacted the National Cable Television Cooperative, Inc. (NCTC) to make arrangements for the purchase of EAS equipment. In July of this year, Cass contracted with NCTC for the equipment. NCTC, in turn, contracted with the exclusive distributor of one of the EAS manufacturers.

Subsequently, Cass received and paid for half of the EAS equipment and was anticipating receipt of the other half of the equipment needed before installation could occur. Suddenly, on Thursday, September 26, 2002, Cass received notice from NCTC that its EAS equipment supplier's exclusive distributor had filed for bankruptcy and that it would not be able to deliver the remaining half of the needed equipment. Cass immediately contacted NCTC to determine what, if any, alternative arrangements could be made to obtain the remaining EAS equipment

prior to October 1, 2002. NCTC has made arrangements to obtain the necessary remaining equipment directly from the manufacturer. However, NCTC advised Cass today that the remaining equipment would most likely be delivered within two weeks, but it could not guarantee delivery within that time frame.

To provide it with sufficient time to obtain and install the equipment, Cass is requesting a 60-day temporary waiver for these 3 systems. Because Cass already has obtained and paid for one-half of the equipment, and because it must wait at least a couple of weeks to obtain the remaining equipment from the same manufacturer, exigent circumstances exist. It would be an undue financial burden on Cass and impracticable to require it to obtain and purchase a whole new set of EAS equipment from a different manufacturer/distributor and have it installed by October 1, 2002. Cass is going to install the remaining equipment immediately upon receipt.

Accordingly, for the foregoing reasons, Cass hereby requests a temporary 60-day emergency waiver of the EAS requirements for the three cable systems listed above.

If any additional information is required to support approval of this waiver request, please contact Donald Bell, Vice President/Chief Executive Officer, Cass Cable TV, Inc., 100 Redbud Road, P.O. Box 200, Virginia, IL 62691 or Robert James or Tim Tobin at the address below.

Respectfully submitted,

Cass Cable TV, Inc.

By: 

Robert L. James  
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September 30, 2002

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<sup>1</sup> Please refer to Cass' July 16, 2002 EAS petition for general background information concerning the company and to Attachment B of the July 16, 2002 petition for company level financial information.

**CERTIFICATION**

I, Donald L. Bell, hereby certify that statements made in the foregoing Petition for Waiver are made in good faith and are true and correct to the best of my knowledge, information and belief.



Donald L. Bell  
Vice President/CEO  
Cass Cable TV Inc.

September 30, 2002