



Edward O. Fritts

President & CEO

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Aug. 11, 2004

The Honorable Michael Powell
 Chairman
 Federal Communications Commission
 445 12th St. SW
 Washington, DC 20554

Dear Chairman Powell,

Last week, the FCC adopted a Notice of Proposed Rulemaking designed to reform the nation's emergency alert system.

NAB looks forward to reviewing the Notice and working with the Commission in this proceeding. Our goal is the same as yours: to ensure that broadcasters continue to play a lead role in keeping citizens informed in the event of an emergency situation.

From Amber Alerts to emergency weather warnings to terrorist updates, local broadcasters have a long tradition of service to communities in times of crisis. We take seriously our role as providers of breaking news and information that can help Americans avert tragedy before it strikes.

NAB has one longstanding suggestion that we believe should be incorporated into the EAS proceeding: *an end to the cable industry's continued practice of "overriding" critical, potentially life-saving warnings offered by local television stations during emergency weather situations.*

Mr. Chairman, local television stations have collectively invested millions of dollars in Doppler technology and other equipment to provide viewers with the most accurate, up-to-date weather information. This technology allows stations to track tornadoes, hurricanes, and fast-moving storms with pinpoint precision. Local weather forecasters often interrupt regular programming to provide urban viewers with neighborhood-by-neighborhood descriptions of the path of serious storms.

Countless lives have been saved through implementation of the latest in storm-tracking technology, particularly in "Tornado Alley" in the Midwest.

Regrettably, however, FCC rules permit cable operators to routinely "override" – or block out – these local weather warnings. Viewers watching a local weathercaster providing live coverage of a weather situation often have that signal overridden by the cable operator. Live, local coverage is replaced by an automated – and often outdated – canned announcement.

We recognize a need for cable subscribers watching non-broadcast video programming (e.g. ESPN or HBO) to receive automated warnings of an impending weather situation, and current FCC rules allow cable operators to provide just that. However, those same rules should not permit the cable operator to also override live emergency weather coverage by a local broadcast station.

This is not a theoretical concern on the part of NAB or local TV viewers. After the cable operator overrode live tornado coverage of a local Kansas City television station several years ago, a Missouri Broadcasters Association official was quoted in The Kansas City Star saying: *"(This) should be the concern of every citizen in the country, because eventually lives are going to be lost. To have that (broadcast information) overridden by information that's at best 30 minutes old – that's not a public service. That's a public disservice."*

NAB stands ready to work with the FCC on improving the EAS system. We respectfully ask that ending cable overrides of local broadcast weather warnings be part of the solution.

Best Regards,

A handwritten signature in cursive script, appearing to read "Edward J. Pate".

cc: Commissioner Kathleen Abernathy
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Kevin Martin