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October 4, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, D.C. 20554

Via ECFS

Re: American Cable Association (“ACA”); Notice of Ex Parte Presentation; EB Docket No. 04-296

Dear Ms. Dortch:

Under 47 CFR § 1.1206(b), we electronically provide this notice of an ex parte oral presentation in EB Docket No. 04-296. On September 26, 2005, Christopher C. Cinnamon and Emily A. Denney of Cinnamon Mueller, outside legal counsel to the ACA, met with the following individuals of the Office of Homeland Security:

Gregory M. Cooke, Deputy Director
Bonnie J. Gay, Program Analyst
Shannon Lipp
Kenneth Burnley

The purpose of the meeting was to discuss the acute issue that the EAS requirements pose and the continuing need for small system EAS relief for a small number of ACA member companies.

Small system EAS waivers have allowed many small companies to make significant strides towards compliance. Roughly 1,500 financial hardship waivers were previously granted for small companies. Approximately 350 of those companies have either sold their systems or interconnected their systems to an EAS-compliant system. Additionally, about 150 of the waiver companies have managed to buy and install EAS equipment.

This leaves roughly 1,000 companies, serving about 250,000 subscribers, which still cannot support the \$10,000/headend cost to buy and install EAS equipment. Most of these systems serve fewer than 750 subscribers. Equipment costs have not come down. The financial situation of the companies has not improved since they originally filed for waivers in 2002.

For most, if not all, of these 1,000 companies, continued relief beyond the March 2006 extension deadline will be necessary for one of the following to occur: (i) development of lower-cost equipment for smaller headends; (ii) improved access to capital for system upgrades including EAS equipment; or (iii) sale or interconnection of systems.

In the Commission’s pending EAS rulemaking, ACA has asked for proposed adjustments to the EAS regulations for systems serving 1,000 subscribers or less. This would require very small systems to pass through EAS signals from broadcasters and programmers and notify subscribers of channels carrying EAS information. These adjustments would give much needed relief to the 1,000 systems we describe here.

If we can provide the Commission with any additional information, please do not hesitate to contact us. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily A. Denney". The signature is fluid and cursive, with the first name being the most prominent.

Emily A. Denney

cc via email:

Gregory Cooke (Gregory.Cooke@fcc.gov)

Bonnie Gay (Bonnie.Gay@fcc.gov)

Shannon Lipp (Shannon.Lipp@fcc.gov)

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