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Admitted in Illinois and Wisconsin

December 30, 2012

David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Telecommunications Management, LLC and Avenue Broadband Communications, Inc. (collectively, "New Wave"); Request for Temporary Waiver of 47 C.F.R. § 11.56; EB Docket No. 04-296

Dear Mr. Turetsky:

On behalf of New Wave, pursuant to 47 C.F.R. § 11.52(d)(4), we submit this request for an additional six-month waiver of the Common Alerting Protocol ("CAP") compliance deadline in 47 C.F.R. § 11.56(a). On June 29, 2012, New Wave filed a request for a six-month waiver of the Commission's CAP-compliance rules.

These small cable systems (the "Systems") continue to lack physical access to broadband Internet service. Accordingly, New Wave is entitled to a presumption in favor of a waiver.¹ Moreover, New Wave will monitor the marketplace for the availability of broadband Internet service at the Systems, and will come into full compliance when it becomes available.²

We organize this request as follows:

- New Wave company and system background
- Justification and authority supporting the waiver request
- Availability of EAS information if waiver request is granted
- Conclusion and requested relief

¹ *In the Matter of Review of the Emergency Alert System*, Fifth Report and Order, 27 FCC Rcd 642, ¶ 152 (rel. Jan. 10, 2012) ("*EAS Fifth Report and Order*").

² See Declaration of Jim Gleason, attached as *Exhibit A* ("*Gleason Declaration*").

I. New Wave company and system background

A. The company

New Wave Communications is the business name for Telecommunications Management, LLC and Avenue Broadband Communications, Inc. New Wave operates 28 cable systems in six states, with its principal office in Sikeston, Missouri. Most of these systems serve small, rural communities. Altogether, New Wave serves 77,933 basic subscribers, with 73,596 of those subscribers receiving service from CAP-compliant systems.

While preparing for the EAS CAP compliance deadline, New Wave determined that the Systems listed below do not have access to the broadband Internet connectivity necessary for each headend to receive CAP-formatted emergency alert messages.³

B. The systems

Name of System	Communities Served	PSID	CUIDs	Subscribers
Avilla, IN	Avilla	010654	IN0512	113
Cairo, IL	Cairo	010975	IL0941	287
Convoy, OH	Convoy	010842	OH1310	215
Covington, IN	Covington	004340	IN0013	378
Evansville, IL	Evansville, Prairie Du Rocher, Ruma	012107	IL1264, IL1265, IL1266	65
Flora, IN	Bringinghurst, Burlington, Camden, Carroll County, Clinton, Delphi, Flora, Pittsburg, Rockfield	021709	IN1107, IN0587, IN0922, IN0173, IN1039, IN0019, IN0294, IN1110, IN1033	1,125
Fowler, IN	Fowler	003259	IN0037	199
Monroeville, IN	Monroeville	010655	IN0513	118
Monrovia, IN	Monrovia, Morgan County, Paragon	014078	IN1083, IN0909, IN1183	492
Montpelier, IN	Montpelier	004247	IN0285	144
Morgantown, IN	Morgantown	012414	IN0857	65
Morgan County, IN	Camby, Centerton, Morgan County, Mooresville	011644	IN0574, IN1074, IN1075, IN 1076	197
Payne, OH	Payne	010846	OH1311	144
Tamms, IL	Tamms	012106	IL1267	29
Veedersburg, IN	Veedersburg	005581	IN0283	192
Wadesville, IN	New Harmony, Posey County, Vanderburgh County	010258	IN0527, IN0528, 9N0529	26

II. Justification and authority supporting the waivers

³ Gleason Declaration, ¶ 2.

A. Requested waivers and justification

New Wave requests an additional six-month waiver of the CAP-compliance deadline in 47 C.F.R. § 11.56(a) for the Systems. New Wave seeks the additional six-months because the Systems lack physical access to broadband Internet service, necessary to receive CAP-formatted emergency alert messages. While New Wave originally requested an additional six-month waiver, that request has not been granted as of the date of this filing. Accordingly, New Wave renews its request for the additional six-month waiver.⁴

B. Commission authority supporting the waivers

In the *EAS Fifth Report and Order*, the Commission held that “the physical unavailability of broadband Internet service offers a presumption in favor of a waiver.”⁵ The Commission created this presumption in an effort to avoid EAS Participants having to purchase CAP-compliant equipment that could not be utilized due to lack of access to CAP-formatted alerts transmitted over the Internet.⁶ New Wave is entitled to this presumption in favor of a waiver because broadband Internet services are physically unavailable at the Systems’ headends.⁷

III. Availability of EAS information if waiver request is granted

New Wave will operate legacy EAS equipment in the Systems, and will monitor the marketplace for the availability of broadband Internet service at the Systems.⁸

IV. Conclusion and requested relief

As set forth above, New Wave requests an additional six-month waiver of the CAP-compliance deadline in 47 C.F.R. § 11.56(a) because the Systems lack physical access to broadband Internet service.

⁴ *EAS Fifth Report and Order*, ¶ 152 (“[W]e believe that any waiver based on the physical unavailability of broadband Internet access likely would not exceed six months, with the option of renewal if circumstances have not changed.”).

⁵ *Id.* (“Because it is important that any of our regulatory requirements, particularly where costs are involved, provide the benefits for which they are designed, we do not believe that it would be appropriate to require EAS Participants to purchase and install equipment that they could not use. Accordingly, we conclude that the physical unavailability of broadband Internet service offers a presumption in favor of a waiver.”).

⁶ *Id.*

⁷ See *Gleason Declaration*, ¶ 2.

⁸ *Id.*, ¶ 3.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott C. Friedman". The signature is fluid and cursive, with the first name "Scott" being the most prominent.

Scott C. Friedman

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December 30, 2012

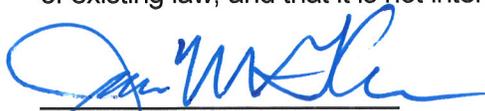
EXHIBIT A

DECLARATION OF JIM GLEASON

1. My name is Jim Gleason and I am President and Chief Executive Officer for Telecommunications Management, LLC ("New Wave").
2. New Wave does not have access to the broadband Internet connectivity necessary for it to receive CAP-formatted emergency alert messages for the following systems:

System	Communities Served	PSID	CUIDs	Subscribers
Avilla, IN	Avilla	010654	IN0512	113
Cairo, IL	Cairo	010975	IL0941	287
Convoy, OH	Convoy	010842	OH1310	90
Covington, IN	Covington	004340	IN0013	378
Evansville, IL	Evansville, Prairie Du Rocher, Ruma	012107	IL1264, IL1265, IL1266	65
Flora, IN	Bringinghurst, Burlington, Camden, Carroll County, Clinton, Delphi, Flora, Pittsburg, Rockfield	021709	IN1107, IN0587, IN0922, IN0173, IN1039, IN0019, IN0294, IN1110, IN1033	1125
Fowler, IN	Fowler	003259	IN0037	199
Monroeville, IN	Monroeville	010655	IN0513	118
Monrovia, IN	Monrovia, Morgan County, Paragon	014078	IN1083, IN0909, IN1183	492
Montpelier, IN	Montpelier	004247	IN0285	144
Morgantown, IN	Morgantown	012414	IN0857	65
Morgan County, IN	Camby, Centerton, Morgan County, Mooresville	011644	IN0574, IN1074, IN1075, IN1076	197
Payne, OH	Payne	010846	OH1311	144
Tamms, IL	Tamms	012106	IL1267	29
Veedersburg, IN	Veedersburg	005581	IN0283	192
Wadesville, IN	New Harmony, Posey County, Vanderburgh County	010258	IN0527, IN0528, 9N0529	26

3. New Wave will monitor the marketplace for the availability of broadband Internet service at the Systems' headends and will come into full compliance when it becomes available.
4. I have read the foregoing "Request for Temporary Waiver of 47 C.F.R. § 11.56" (the "Waiver Request") and I am familiar with its contents.
5. I declare under penalty of perjury that the facts contained herein and within the foregoing Waiver Request are true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry, that the Waiver Request is well grounded in fact, that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose.



Jim Gleason
President and Chief Executive Officer
Telecommunications Management, LLC

December 30, 2012.