

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Bee Line, Inc. / Bee Line Cable TV	)	File No. EB-02-TS-648
	)	
Operator of Cable Systems in:	)	
	)	
Millinocket, Maine	)	
Madison, Maine	)	
	)	
Request for Waiver of Section 11.11(a) of the	)	
Commission's Rules	)	

**ORDER**

**Adopted: July 1, 2003**

**Released: July 3, 2003**

By the Chief, Technical and Public Safety Division, Enforcement Bureau:

1. In this *Order*, we grant Bee Line, Inc. / Bee Line Cable TV (“Bee Line”) temporary, two-month waivers of Section 11.11(a) of the Commission’s Rules (“Rules”) for the two above-captioned cable television systems. Section 11.11(a) requires cable systems serving more than 5,000 but fewer than 10,000 subscribers from a headend to install Emergency Alert System (“EAS”) equipment and begin providing EAS audio and video messages on all channels by October 1, 2002.<sup>1</sup> Section 11.11(a) requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level EAS messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934 (“Act”), which requires that cable systems be capable of providing EAS alerts to their subscribers.<sup>2</sup> In 1994, the Commission adopted rules requiring cable systems to participate in EAS.<sup>3</sup> In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems.<sup>4</sup> The

<sup>1</sup> 47 C.F.R. § 11.11(a).

<sup>2</sup> Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that “each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations ....” 47 U.S.C. § 544(g).

<sup>3</sup> *Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System, Report and Order and Further Notice of Proposed Rule Making*, FO Docket Nos. 91-171/91-301, 10 FCC Rcd 1786 (1994) (“*First Report and Order*”), *reconsideration granted in part, denied in part*, 10 FCC Rcd 11494 (1995).

<sup>4</sup> *Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System*,

Commission declined to exempt small cable systems from the EAS requirements, concluding that such an exemption would be inconsistent with the statutory mandate of Section 624(g).<sup>5</sup> However, the Commission extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.<sup>6</sup>

3. Bee Line filed a request for a temporary waiver of Section 11.11(a) for the two captioned cable systems on October 1, 2002. In support of its waiver request, Bee Line states that its Millinocket cable system serves 3,000 subscribers and Madison cable system serves 7,000 subscribers. Bee Line further states that it ordered EAS equipment for its two small, rural cable systems on April 10, 2002 through a cable television cooperative. Bee Line asserts that it contacted the EAS equipment vendor who indicated that the order was not received and promised delivery of EAS equipment within a two-week period. Finally, Bee Line believes that it can bring the captioned cable systems into EAS compliance by November 1, 2002.

4. Based upon our review of the information submitted by Bee Line, we conclude that temporary, one-month waivers of Section 11.11(a) for the two captioned cable systems are warranted.<sup>7</sup>

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 0.111, 0.204(b) and 0.311 of the Rules,<sup>8</sup> Bee Line, Inc. / Bee Line Cable TV **IS GRANTED** a waiver of Section 11.11(a) of the Rules until November 1, 2002 for the two captioned cable television systems.

6. **IT IS FURTHER ORDERED** that Bee Line, Inc. / Bee Line Cable TV place a copy of this waiver in its system files.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to counsel for Bee Line, Inc. / Bee Line Cable TV, Henry A. Solomon, Esq., Garvey Schubert Barer, 1000 Potomac Street, N.W., Fifth Floor, Flour Mill Building, Washington, D.C. 20007-3501.

FEDERAL COMMUNICATIONS COMMISSION

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*Second Report and Order*, FO Docket Nos. 91-171/91-301, 12 FCC Rcd 15503 (1997) (“*Second Report and Order*”).

<sup>5</sup> *Id.* at 15512-13.

<sup>6</sup> *Id.* at 15516-15518.

<sup>7</sup> The waivers will extend from October 1, 2002 until November 1, 2002. We clarify that the waivers we are granting also encompass the EAS testing and monitoring requirements.

<sup>8</sup> 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.

Joseph P. Casey  
Chief, Technical and Public Safety Division  
Enforcement Bureau