

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

In the Matter of	)	
	)	
Youngsville Television Corporation a/k/a	)	
Youngsville TV Corp.	)	File No. EB-02-TS-266
	)	
Operator of Cable System in:	)	
	)	
Broken Straw Township, Pennsylvania	)	
	)	
Request for Waiver of Section 11.11(a) of the	)	
Commission's Rules	)	

**ORDER**

**Adopted: October 7, 2003****Released: October 9, 2003**

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

1. In this *Order*, we deny the request of Youngsville Television Corporation a/k/a Youngsville TV Corp. ("Youngsville") to extend the temporary, 12-month waiver of Section 11.11(a) of the Commission's Rules ("Rules") previously granted for the above-captioned cable television system.<sup>1</sup> Section 11.11(a) requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System ("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.<sup>2</sup>

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>3</sup> In 1994, the Commission adopted rules requiring cable systems to participate in EAS.<sup>4</sup> In 1997, the

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<sup>1</sup> *Youngsville Television Corporation*, 17 FCC Rcd 20849 (Enf. Bur., Tech. & Pub. Safety Div., 2002) ("*Waiver Order*").

<sup>2</sup> 47 C.F.R. § 11.11(a).

<sup>3</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>4</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), *reconsideration granted in part, denied in part*, 10 FCC Rcd 11494 (1995).

Commission amended the EAS rules to provide financial relief for small cable systems.<sup>5</sup> The 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>6</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>7</sup> In addition, the Commission stated that it would grant waivers of the EAS rules to small cable systems on a case-by-case basis upon a showing of financial hardship.

3. On April 30, 2002, Youngsville filed a request for a waiver of Section 11.11(a) of the Rules for the captioned cable system. In its waiver request, Youngsville noted that its small cable system served approximately 1,200 subscribers. In support of its waiver request, Youngsville asserted that the estimated cost to install EAS equipment would impose a substantial financial hardship on it due to the cost of its recent system upgrades. On October 25, 2002, we granted Youngsville a temporary, 12-month waiver of Section 11.11(a) for its small cable system.<sup>8</sup> We concluded that the financial data and other information submitted by Youngsville did not justify a waiver period of longer duration.

4. On June 11, 2003, Youngsville filed a request for a one-year or two-year extension to the temporary, 12-month waiver granted in the *Waiver Order* for the captioned cable system. Youngsville states that it has 1,250 subscribers. Youngsville provides a financial statement for 2002 and updated information regarding operational expenses for the captioned cable system in support of its request for a waiver extension.

5. Based upon our review of the additional financial data and other information submitted by Youngsville, we do not find that an extension of the 12-month waiver of Section 11.11(a) of the Rules granted for the captioned cable system is warranted. In particular, the information provided by Youngsville does not support financial hardship of a magnitude that would warrant a waiver extension to install EAS equipment. Accordingly, we deny Youngsville's request for an EAS waiver extension.

6. Accordingly, **IT IS ORDERED** that, pursuant to Sections 0.111, 0.204(b), 0.311 of the Rules,<sup>9</sup> Youngsville Television Corporation a/k/a Youngsville TV Corp.'s request for a waiver extension **IS DENIED**.

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<sup>5</sup> *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Second Report and Order*, FO Docket Nos. 91-171/91-301, 12 FCC Rcd 15503 (1997).

<sup>6</sup> *Id.* at 15512-13.

<sup>7</sup> *Id.* at 15516-15518.

<sup>8</sup> 17 FCC Rcd at 20849.

<sup>9</sup> 47 C.F.R. §§ 0.111, 0.204(b), 0.311.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to Felix Matthews, President, Youngsville Television Corporation a/k/a Youngsville TV Corp., 3 West Main Street, Youngsville, Pennsylvania 16371.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey  
Chief, Spectrum Enforcement Division  
Enforcement Bureau