

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

In the Matter of)	
)	
Illinois State Emergency Communications Committee)	
)	
)	File No. EB-03-HS-030
)	
Request for Waiver of Section 11.61(a)(1)(v) of the Commission's Rules)	

ORDER

Adopted: January 28, 2004

Released: January 29, 2004

By the Director, Office of Homeland Security, Enforcement Bureau:

1. In this *Order*, we grant the Illinois State Emergency Communications Committee (“Illinois SECC”) a six-month waiver of section 11.61(a)(1)(v) of the Commission’s Rules (“Rules”) to conduct its Emergency Alert System (“EAS”) Required Monthly Test (“RMT”) on the first Tuesday of each month at 10:15 a.m.¹ Section 11.61(a)(1)(v) requires broadcast stations and cable systems to conduct RMTs in odd number months between 8:30 a.m. and local sunset, and in even numbered months the RMTs must be conducted between local sunset and 8:30 a.m.

2. For the past several years the Commission has granted the Illinois SECC a yearly waiver of the Rules to allow it to conduct its monthly EAS tests on the first Tuesday of each month at 10:15 a.m., rather than conducting the tests in the manner required by section 11.61(a)(1)(v).² We have granted these waivers to accommodate the Illinois SECC, which requested that its RMTs be conducted at a fixed time to allow it to make improvements to its statewide Illinois EAS system.

3. On December 11, 2003, the Illinois SECC filed a request for a further twelve month extension of its existing waiver. The Illinois SECC states that this extension of its authority to conduct the RMT at a fixed time is necessary because the Illinois Emergency Management Agency (IEMA) has established a new database as part of its ongoing plan to improve coverage of the 45.44 MHz base station network that is used to link the EAS Local Primary stations to IEMA across the state. The Illinois SECC argues that it needs the additional twelve months to integrate this new database into the statewide EAS network.

¹ 47 C.F.R. § 11.61(a)(1)(v).

² See, e.g., Letter dated December 9, 2002, to Warren Shultz, Chairman, Illinois SECC, from Chief, Technical and Public Safety Division, Enforcement Bureau.

4. We note that this current request is identical to those filed by the Illinois SECC annually for the past four years. Based upon our review of the information provided in its waiver request, and as agreed to by the Illinois SECC in a subsequent telephone conversation with the Office of Homeland Security (OHS) staff,³ we believe that an additional six-month waiver will provide the Illinois SECC with sufficient time to come into compliance with section 11.61(a)(1)(v) of the rules. Accordingly, all Illinois radio and television stations and subject cable systems may continue to adhere to the daytime schedule for the RMTs as stated in the Illinois State EAS plan until June 30, 2004.

5. Accordingly, **IT IS ORDERED**, pursuant to sections 0.111, 0.204(b) and 0.311 of the Commission's rules,⁴ that the Illinois State Emergency Communications Committee's request for waiver of section 11.61(a)(1)(v) of the Rules is **GRANTED** in part, consistent with the discussion and conclusions in this *Order*.

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to Warren Shultz, Chairman, Illinois State Emergency Communications Committee, 190 N. State Street, Chicago, Illinois 60601.

FEDERAL COMMUNICATIONS COMMISSION

James A. Dailey
Director
Office of Homeland Security
Enforcement Bureau

³ Telephone conversation of January 22, 2004, between Warren Shulz, Chairman of the Illinois State Emergency Communications Committee and Bonnie Gay, Program Analyst with the Office of Homeland Security, Enforcement Bureau, FCC.

⁴ 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.