

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

In the matter of
Clearvision Cable Systems, Inc.
Operator of Cable Systems in
Brocton, Illinois
Hume, Illinois
Jewett, Illinois
Sidell, Illinois
St. Peter, Illinois
File No.: EB-04-HS-033

Request for Waivers of Section 11.11(a) of the
Commission's Rules

ORDER

Adopted: July 29, 2004

Released: July 30, 2004

By the: Director, Office of Homeland Security

1.. In this Order, we grant Clearvision Cable Systems, Inc. (Clearvision) temporary waivers of
section 11.11(a) of the Federal Communications Commission's rules (Rules)1 for the five-above
captioned cable television systems in Illinois. Section 11.11(a) of the Rules 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, 2002.2

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934,
as amended3 and required that cable systems be capable of providing EAS alerts to their subscribers.4 In
1994, the Commission adopted rules requiring cable systems to participate in EAS.5 In 1997, the

1 47 C.F.R. § 11.11(a).

2 Id.

3 The Communications Act of 1934 was amended by the Telecommunications Act of 1996. Pub. L. No. 104-104,
110 Stat. 56 (1996 Act).

4 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).

5 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, 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.⁶ The Commission declined to exempt small cable systems from the EAS requirements entirely, concluding that such an exemption would be inconsistent with the statutory mandate of Section 624(g).⁷ The amended rules 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.⁸ 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.⁹

3. On March 26, 2004, Clearvision filed a request for temporary waivers of the EAS requirements for the above-captioned cable systems in rural Illinois. In support of its waiver request Clearvision indicates that the largest of its five newly-acquired systems serves 65 subscribers and the smallest system serves only 10 subscribers. Based on price quotes from EAS equipment manufactures, Clearvision estimates that it would cost \$30,000 to purchase and install EAS equipment at the five headends. Clearvision notes that the five systems have limited channel capacity, between 27 and 38 channels, and because of the limited access to capital and the company's small subscriber base, it has not been able to upgrade the systems. Further, Clearvision states that because of the distance between the systems, it has not been able to interconnect its headends. Clearvision provides financial data in support of its contention that the cost of immediate installation of EAS equipment in the five headends would cause substantial financial hardship. Finally, Clearvision contends that its subscribers will continue to have ready access to national EAS information from other sources, including its cable system and over-the-air reception of broadcast television and radio stations.

4. Based on our review of the financial data and other information submitted by Clearvision, we conclude that temporary waivers of section 11.11(a) of the rules for the above-captioned cable television systems are warranted. In particular, we find that the estimated \$30,000 cost to purchase and install EAS equipment at these recently acquired cable television systems could impose a financial hardship on Clearvision.

5. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.111, 0.204(b) and 0.311 of the rules,¹⁰ Clearvision Cable Systems, Inc.'s request for temporary waivers of section 11.11(a) of the rules is **GRANTED** until October 1, 2005, for the five captioned cable television systems.¹¹

6. **IT IS FURTHER ORDERED** that Clearvision Cable Systems, Inc. place a copy of this waiver in its system files.

⁶ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503 (1997).

⁷ *Id.* at 15512-13.

⁸ *Id.* at 15516-15518.

⁹ *Id.* at 15513.

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

¹¹ We clarify that these waivers also encompass the EAS testing and monitoring requirements.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to counsel for Clearvision Cable Systems, Inc., Christopher C. Cinnamon, Esq., Cinnamon Mueller, 307 North Michigan Avenue, Suite 1020, Chicago, Illinois 60601.

FEDERAL COMMUNICATIONS COMMISSION

James A. Dailey
Director, Office of Homeland Security
Enforcement Bureau