



PUBLIC NOTICE

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EAS WAIVER EXTENSIONS GRANTED TO VERY SMALL CABLE SYSTEMS

By this Public Notice, the Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission) extends the waivers of the Emergency Alert System (EAS) requirements under Part 11 of the Commission's Rules, 47 C.F.R. Part 11, previously granted to the small cable television systems listed in Appendices A and B. Specifically, the waivers previously granted to the systems listed in Appendix A and Appendix B are extended until June 30, 2007. Because these previously granted waivers expired on June 30, 2006, we grant them *nunc pro tunc* back to June 30, 2006.

BACKGROUND

In 1994, the Federal Communications Commission (FCC) adopted rules requiring cable systems to participate in EAS,¹ as mandated by section 624(g) of the Communications Act.² In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems by extending the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules until October 1, 2002.³

Subsequently, the Commission set standards under which these small systems could request waivers of the October 1, 2002 deadline.⁴ Over 300 cable systems received such extensions, which were to last one, two, or three years. The last group of extensions was due to expire on October 1, 2005. On September 23,

¹ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Report and Order and Further Notice of Proposed Rulemaking, 10 FCC Rcd 1786 (1994), *reconsideration granted in part, denied in part*, 10 FCC Rcd 11494 (1995) (*First Report and Order*).

² *See* Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, §16(b), 106 Stat. 1460, 1490 (1992) (Cable Act of 1992). The Cable Act of 1992 required cable system to participate in the EAS by adding subsection (g) to Section 624 of the Communications Act of 1934, 47 U.S.C. § 544(g).

³ *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, 15516-18 (1997) (*Second Report and Order*).

⁴ An EAS waiver request must contain the following: justification for the waiver, with reference to the particular rule section for which a waiver is sought; information about the financial status of the entity, such as a balance sheet and income statement for the previous two years; the number of other entities that serve the requesting entity's coverage area and that are expected to install EAS equipment; and the likelihood (such as proximity or frequency) of hazardous risks to the requesting entity's audience. *See Amendment of Part 7, of the Commission's Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503 (1997).

2005, the Enforcement Bureau released an Order that extended all existing EAS cable waivers from October 1, 2005 to March 1, 2006.⁵ Subsequently, 56 small cable providers filed requests for further extension of the March 1 deadline for some or all of their systems. In a Public Notice dated March 1, 2006 (*March EAS Public Notice*),⁶ the Bureau extended this deadline from March 1, 2006 to June 30, 2006, to allow the Bureau time to review the financial information filed in support of the waiver requests.

DISCUSSION

EAS provides a critical public safety service to the American public, promoting the safety of life and property through a national alert and warning system. Thus, any waivers of the EAS requirements on financial hardship grounds must be carefully considered and limited to the extent possible. Nonetheless, the Commission has recognized that compliance with these requirements could cause significant economic hardship in the case of very small cable systems. The Commission, therefore, has provided for relief from the EAS requirements in cases where a party can demonstrate that compliance with our rules would impose such significant financial burden. On this basis, we have reviewed the financial and other information submitted by the cable systems that are subject to the Public Notice of March 6, 2006, and conclude that further extensions of the waivers of the EAS obligations set forth in Part 11 of the Commission's rules are warranted for the cable systems listed in Appendices A and B until June 30, 2007.

With respect to the systems listed in Appendix A, in 2002, the Bureau granted Classic Communications, Inc. (Classic) temporary EAS waivers for 559 of its cable television systems.⁷ In February, 2006, Classic filed a request for an extension of the waivers due to financial hardship for 58 of the original 559 systems until March 1, 2009, listed in Appendix A, attached hereto. Classic noted that the vast majority of the systems for which waivers had been granted had either been sold, shut down, or had come into compliance. In April 2006, Classic submitted financial statements in support of its financial hardship request. The Bureau conducted economic analyses of these systems based on Classic's financial information and has determined that compliance with the EAS rules would cause financial hardship to these small systems. Accordingly, we will grant an extension of the waiver for these systems. Because, in our experience, circumstances can change regarding the status of cable systems, as they have for many of the Classic systems for which the waiver was originally granted, we are reluctant to grant the extension to March 1, 2009 as requested by Classic. In light of this, we will grant a one-year extension of the Classic systems listed in Appendix A until June 30, 2007.⁸

The Bureau also received requests for extension of waivers from various cable operators for cable systems listed in Appendix B. These cable operators alleged financial hardship for these cable systems and, in support of their claim, included financial documents and other information. These cable systems represent some of the very smallest cable systems in the country, none of which serves more than 100 customers, and which in the aggregate serve fewer than 17,000 customers nationwide. The majority of these systems request that the Commission extend the waivers until October 1, 2008, or the resolution of the issues raised in the EAS docket.⁹ The Bureau conducted economic hardship analyses of these systems

⁵ *Petitions for Waiver of the Emergency Alert System Rules filed by Various Cable Television Systems*, Order, 20 FCC Rcd 14818 (2005) (2005 Order).

⁶ *EAS Waivers for Certain Small Cable Television Systems Requesting Waiver Extensions Extended to June 30, 2006; Additional Information to Support Certain Pending EAS Waiver Requests Sought by April 15, 2006*, Public Notice, DA-06-483, 21 FCC 2d 2101, (released March 1, 2006).

⁷ *Classic Communications, Inc.*, Order, DA 02-2446, 17 FCC Rcd at 19350.

⁸ As mentioned above, these waiver extensions are granted *nunc pro tunc* back to June 30, 2006.

⁹ *See, e.g.* Carson Communications L.L.C., Request for Extension of Temporary Waivers of EAS Requirement in 47 CFR § 11.1, filed July 14, 2005, supplemental filing February 24, 2006.

based on the financial information submitted and has determined that compliance with the EAS obligations under Part 11 would cause financial hardship to these small systems, and that a further extension of their waivers is justified. As is the case with the Classic extensions, however, we are reluctant to grant these extensions for more than one year given our experience that circumstances regarding cable systems can change. Accordingly, we extend EAS waivers to the cable television systems listed in Appendix B until June 30, 2007.¹⁰

The cable companies listed in Appendix C also filed for extensions of their EAS waivers based on the alleged continued financial hardship that compliance with the Commission's rules would cause them. The Bureau has conducted a financial analysis of these requests, and has concluded that, except to the extent that any of their individual systems are listed in Appendices A or B, the cable companies listed in Appendix C have failed to show that they would suffer undue financial hardship from complying with the Commission's EAS rules. Accordingly, these requests for extensions of EAS waivers are denied.

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¹⁰ As mentioned above, these waiver extensions are granted *nunc pro tunc* back to June 30, 2006.

APPENDIX A

Company Name: Cable Systems

Classic Communications, Inc., d/b/a Cebridge Connections: Atkins, Charleston, Coal Hill, DeWitt, Dover, East Conway, Hazen, Hughes, London and Mt. Ida, AR; Anthony, Ellsworth, Kensington, Lincoln, McDonald, Oberlin, Saint Francis and Sterling, KS; Boyce and St. Joseph, LA; Fayette and Glasgow, MO; Bloomingdale and Knoxville, OH; Fairview, Heavener and Spiro, OK; Albany, Anson, Big Lake, Caldwell, Canadian, Clarendon, Crane, Electra, Grapeland, Hamlin, Hawkins, Henrietta, Junction, Krum, Lost Pines, Lowry Crossing, Lucas, Nocona, Olney, Paducah, Post, Quanah, Rotan, San Saba, Seymour, Shamrock, Sonora, Splendora and Tyler County, TX

APPENDIX B

Company Name: Cable Systems

Beck's Cable: Dix, Donnellson, Kell, Ohlman, Panama, and Rosamond, IL

Blue Mountain TV Cable: Seneca and Dayville, OR

Bocco Cable: Alma, WV

Branch Cable: Crosby and New Hebron, MS

Buford Communications: Cherokee County, TX

Cable Services, Inc.: Kulm, ND

Carson Communications: Axtell, Baileyville, Bern, Centralia, Denison, Effingham, Emmett, Goff, Havensville, Lake Dabinawa, Lakewood Hills, Morill, Muscotah, Onaga, Randolph, Reserve, Summerfield, Vermillion, Wetmore, White Cloud, and Whiting, KS

Cass Cable TV: Kampsville and Milton, IL

CenCom, Inc.: Dixon and Wyrot, NE

Cequel III Communications d/b/a Cebridge Connections: Auburn Falley, CA; Canyon, Culdesac, Harrison, Murray, and Riggins, ID; Westport, OR; Almira, Chinook Pass, Malaga, Royal City and Wilson Creek, WA

Charter Communications: Chamois, Cairo, Adair, Colcord, and Kellyville, OK; Enfield, IL; Tignal, GA; Annapolis, MO; Fleming, NE; Bradfordsville, KY; Lockwood, NV, Rockville, UT; Tryon, Depew, Cromwell, Wyandotte, and Hulbert, OK; Talmage, NE; Tangipahoa, LA; Osyka, MS; Mason City, NE; Ashe, NC; Dannebrog, NE; Agra, and Carney, OK; Kosse, TX; Dustin, Kansas, Glencoe and Cameron, OK; Locust Fork, AL; Washtucna and Prescott, WA; Texline, TX; Powers, OR; Los Alamos Town, CA; High Rolls, NM; Beattie, KS; Hartwell Villas, OR; New Meadows, ID; Halfway, OR; Skyline, AL; Bryantsville, KY; Ralston, OK; Combine, TX; Angellus Oaks, CA; and Schulter, OK

Classic Communications, d/b/a Cebridge Connections: East Conway, Hector, London, Geneseo, Luray, Natoma, Sylvan Grove, and Tipton, KS

Consolidated Cable: Ashton, Big Springs, Comstock, Farnam, Lewellen, and Maxwell, NE

DuCom Cable T.V.: Kirby, New Freeport, Nineveh, Sycamore and Wind Ridge, PA

Glass Antenna Systems: Town of Fillmore, IN

Glenwood Telecom: Guide Rock and Lochland, NE

Goldfield Communications Services: Badger Woolstock, IA

Green Hills Multi-Media: Tina, MO

Grove Communications: Seney, MO

Hamilton County Cable: Blue Mt. Lake, NY

Herr Cable: Lairdsville, PA

Hyde County Cablevision: Engelhard and Swanquarter, NC

James Cable: Cleburne County, AL; Crawfordville and Pinehurst, GA; Stringtown, Wampanucka, and Sand Point, OK

Karban TV Systems: Land O'Lakes, WI

Lone Pine Television: Alabama Hills, CA

Millennium Digital Media: Thorpe, Creston, Marblemont, Entiat and Mansfield, WA; Vermontville, MI

Milestone Communications: Huntersville and Cass, WV

Neu Ventures d/b/a Mountain TV Zone: Valentine, TX

Nex-Tech, Inc.: Burr Oak, Kirwin and Lebanon, KS

North American Communications: Big Falls, Big Fork, Dexter, Easton, Fountain, Garden City, Hayward, New Market Twp, Mapleview, Lewisville, New Auburn, Ostrander, Plato, Racine, Red Rock Twp, Rose Creek and Vernon Center, MN

Northland Communications: Meservey and Thornton, IA

Nova Cablevision: Cameron, Little York and Trivoli, IL

PEC Cable: Nichols, IA

Pine Rural TV Cable: Haworth, OK

Pinpoint Communications: Bartley, Culbertson, Orleans, Republican City, and Stamford, NE

Prairieburg Telephone Co.: Prairieburg, IA

Project Services, Inc.: Hanley Falls, MN

US Cable of Coastal-Texas: Hudson and Keenesburg, CO; Brewster, Ceylon, Dunnel, Granada, Northrop, Round Lake, and Storden, Dixon, NM

APPENDIX C

Atlantic Broadband Finance
Bocco Cable
Boycom Cablevision
Bradley Communications
Buford Communications, d/b/a Alliance Comm. Network
Cable Communications of Willsbobro
Cable Services, Inc.
Carson Communications
CCS, d/b/a Community Cable
Cebridge Connections
CenCom, Inc.
Cequell III Comm, d/b/a Cebridge Connections
Charter Communications
Com-Link, Inc.
Consolidated Cable
Curtis Cable TV
Glass Antenna Systems
Glenwood Telecomn
Golden West Cablevision
Goldfield Comm. Services
Great Plains Cable Television, Inc.
Green Hills Multi-Media
Grove Communications
Hamilton County Cable
Hart Cable, Inc.
Hawkeye Telephone Co.
Howard Cable
Hubbal Co-Op Cable
Ind. Cable Co
J&N Cable Systems
James Cable
Karban TV Systems
Livermore Cable
Lone Pine Television
LongView Cable & Data
Lycom Communications
Martelle Cooperative Telephone Association
Milestone Communications
Milford Cable TV
Millennium Digital Media
Minerva Valley Cablevision
Moosehead Enterprises
Neu Ventures, d/b/a Mountain TV Zone
New Century Comm.
NewWave Comm.
Nex-Tech, Inc.
North State Cablevision
Northland Cable Properties
Nova Cablevision
Oak Grove Heights Cable
Oldtown Community Systems

Pinpoint Communications
Polaris Cable
Prairieburg Telephone Co.
Project Services, Inc.
RGA Cable
Rio Cablevision
Ritter Cable Corp.
Tip Top Communications
Tri-County Telephone Company, Inc.
Trust of Mississippi
Upper Peninsula Comm.
US Cable of Coastal-Texas
Waterville Cable
Whitehall Cable TV