

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

In the Matter of)	
)	
)	
Amendment of Part 73, Subpart G, of the)	FO Docket 91-301
Commission's Rules Regarding the)	FO Docket 91-171
Emergency Broadcast System)	

SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: March 4, 1998

Released: March 19, 1998

By the Commission:

Comment Date: April 20, 1998

Reply Comment Date: May 5, 1998

I. Introduction

1.1 By this action, we request comment on whether we should adopt rule amendments that would prohibit cable systems from overriding broadcasters' emergency related programming with state and local Emergency Alert System (EAS) messages. The Commission wishes to promote the voluntary use of EAS by all participants and seeks to insure that the public has efficient access to accurate emergency information.

II. Background

1.2 The *First Report and Order and Further Notice of Proposed Rule Making (First R&O)*¹, adopted November 10, 1994, established the EAS and included cable television systems as participants. Cable television facilities' EAS participation is required under Section 624(g) of the Communications Act, as amended by the Cable Act of 1992.² This section states in part that

¹ *Report and Order and Further Notice of Proposed Rule Making (First R&O, Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, FO Docket 91-171/91-301, 10 FCC Rcd 1786 (1994).*

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

" . . . 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. . . ." ³ EAS replaced the Emergency Broadcast System (EBS) with updated equipment that provides emergency alerts via a digital signaling process. EAS messages provide a digitally encoded alert containing information such as the nature, area, and duration of the potential emergency, as well as an audio message that is no longer than two minutes in length. ⁴ All EAS participants use similar onsite EAS equipment to originate or forward an EAS message. ⁵ National level EAS messages and EAS tests must be forwarded to the public upon receipt. All other EAS messages are transmitted on a voluntary basis by the EAS participant. Television broadcasters began EBS participation, the precursor to EAS, in 1963.

1.3 The Commission has adopted two additional EAS items since the release of the *First R&O*. Our *Memorandum Opinion and Order (MO&O)* released October 23, 1995, stated that cable systems may interrupt local broadcast channels in order to present an EAS message to viewers. ⁶ The *Second Report and Order (Second R&O)*, established additional EAS guidelines outlining cable system participation in EAS. ⁷ The EAS rules require that cable systems must

³ **Section 624(g) of the Communications Act of 1934, as amended, 47 U.S.C. §544(g). This provision remained unchanged by subsequent amendments to the Communications Act. See generally the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) revising the cable regulatory requirements but leaving requirements of §624(g) unchanged. Wireless cable systems, (entities that own or lease facilities and channels that transmit programming to the public via ITFS, MDS, or MMDS channels), participation in EAS is authorized under Sections 303(r) and 706 of the Communications act. Section 706 grants specific communications-related powers to the President in times of war or national emergency.**

⁴ **The EAS alert is designed to make viewers/listeners aware of emergencies that may affect them so that they may take appropriate protective action or seek additional information. EAS equipment transmits a message that is generally no longer than 2 minutes in length and at a minimum, provides the viewer with the reason or event posing a threat, the location that the event may be affecting, an approximate time period that a threat to safety will last, and the originator of the alert message. State and local messages are voluntarily transmitted to the public by EAS participants.**

⁵ **State and local EAS messages usually originate from National Weather Service (NWS) personnel. State and local emergency management officials may activate EAS transmissions in accordance with state and local EAS plans established between government officials and EAS participants. EAS participants may also create and send EAS messages as needed.**

⁶ **Memorandum Opinion and Order, 10 FCC Rcd 11494, ¶¶121-24 (1995).**

⁷ ***Second Report and Order*: Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, FO Docket 91-171/91-301, FCC 97-338, __ FCC Rcd __ (1997).**

send some type of visual alert, as well as an audio alert on all channels when activating the EAS.⁸

1.4 The National Association of Broadcasters (NAB)⁹ has expressed concern that, when the Emergency Alert System is activated, a cable television system's EAS message could interrupt more detailed emergency information provided by a local broadcaster.¹⁰ NAB points out that, because of the local nature of broadcast station programming, as opposed to most cable programming services, cable operators' EAS messages will not provide emergency information that is as useful as that which broadcasters provide. Many local broadcasters have weather and news resources that may provide additional information concerning a developing emergency event.¹¹ NAB seeks to avoid the blocking of information provided by the local broadcast station on cable systems due to a simultaneous transmission of an EAS alert message by the cable operator.

1.5 In the *Second R&O*, in response to these concerns, we modified our rules to provide that a cable operator (upon written agreement with the broadcaster) may elect not to interrupt the programming of a broadcast station carrying news or weather related information.¹²

⁸ Sections 11.51(g)(2) and 11.51(h)(3) of the Commission's Rules, 47 C.F.R. §§ 11.51(g)(2), 11.51(h)(3). These sections require that cable systems carrying EAS activations place either a video interrupt and audio interrupt on all channels with full video and audio on at least one channel (for cable systems with less than 5,000 subscribers) or provide the video and audio of the digital header portion of the EAS message on all channels (for cable systems with 5,000 or more subscribers).

⁹ See letter dated May 21, 1997, from Henry Baumann, Executive Vice President and General Counsel National Association of Broadcasters to Beverly Baker, Esq. Chief, Compliance and Information Bureau, Federal Communications Commission (hereinafter referred to as the NAB May 21 letter); May 30, 1997, from Edward O. Fritts, President & CEO, NAB to Reed E. Hundt, Chairman, Federal Communications Commission. In addition, a member of Congress has expressed concern about broadcast emergency information being overridden by cable EAS messages. See letter dated September 8, 1997 from Representative Tauzin, Chairman, Subcommittee on Telecommunications, Trade, and Consumer Protection to Reed Hundt, Chairman, Federal Communications Commission.

¹⁰ NAB writes that "... the FCC's plan for cable television's participation in the EAS more assuredly will result in the cable subscribing, local television viewer being prevented from receiving up-to-date emergency related information provided by local broadcasters." NAB May 21 letter, at 2.

¹¹ See NAB May 21 letter, *supra* note Error! Bookmark not defined. at 3.

¹² Our rules previously provided simply that cable systems could elect to not interrupt the EAS message itself with another EAS message. Section 11.51(g)(5), 47 C.F.R. § 11.51(g)(5) (1996). Sections 11.51(g)(4) and 11.51(h)(4) allow the creation of a written agreement between a broadcaster and a cable or wireless cable system that releases the cable system from interrupting a broadcasters' programming on that system for an EAS state or local message. See 47 C.F.R. §11.51

We also stated that, because we believe that the potential disruption of broadcast emergency information by voluntary local EAS messages warrants further investigation, we would issue a Further Notice of Proposed Rule Making focused on whether the Commission's rules are adequate to permit broadcasters to provide their audiences with important local emergency information without interruption by EAS messages provided by cable systems.

III. Discussion

1.6 The Commission desires to adopt rules that will ensure that the public has access to the most accurate and relevant emergency information possible. Therefore, we seek comment generally on whether selective override should be mandated, and specifically regarding the NAB's proposal for selective override.¹³ We seek comment as to whether the NAB proposal will satisfy the requirements of Section 624(g) of the Communications Act. We also seek comment on whether the current rule permitting written agreements to not override the broadcaster's signal is sufficient to satisfy any concerns raised by broadcasters.¹⁴

1.7 We note that often cable systems carry broadcast station programming into areas outside the normal coverage pattern of the broadcast station. It is possible that an emergency would affect an area served by the cable system, but at the fringe or outside the broadcaster's service area. In such instances, if we permit selective override, it is possible that viewers will not receive the most accurate or relevant emergency information. We also note that, while it may be true that many broadcast stations provide local news and have a local presence enabling them to provide emergency information, certain broadcast stations do not. We seek comment on how to ensure that only those broadcast stations providing local emergency information are not overridden. Further, we note that in some instances, the cable system may provide more local information than the closest broadcast station and may be better suited to convey emergency information to its subscribers. We seek comment on the impact of selective channel override under these circumstances.

¹³ NAB May 21 letter, *supra* at 9. NAB requests that the Commission amend its EAS rules to provide for selective override of particular channels carried over a cable system. NAB suggests that the Commission adopt a policy that would require cable operators to not transmit the EAS message on channels carrying broadcast stations when such stations certify to the cable system that they meet the following requirements: (1) originate local news programs at the studio facility; (2) have weather equipment at the studio facility to support the stations' weather department; (3) have the ability to run video crawls over network or local programming to advise the public of weather conditions or other public emergencies and; (4) the station's master control center is manned at all times when the station is on-the-air.

¹⁴ See *Supra* note 12 and accompanying text.

1.8 We seek comment on whether there is an additional cost to installing equipment that has the capacity for selective override.¹⁵ We seek specific information regarding the cost of equipment, installation cost at a typical headend, and any added cost that common differences at individual headends, such as the number of cable channels a cable system may carry, will introduce. We also seek cost and feasibility information regarding the installation of selective override equipment at cable systems that may already have an all channel override system in place. Additionally, we request comment as to who should bear the cost of purchasing and installing the override equipment, the cable system or the local broadcaster, or a combination of the two. Because the transmission of state and local EAS messages is voluntary, we also seek information that will estimate the frequency of use of selective override equipment.

1.9 We also seek comment regarding the possibility of conflicts between the use of selective channel overrides and current franchise agreements cable operators may have with local cable franchise authorities. Such agreements may require that local officials have the ability to override all cable system channels with EAS messages. We seek additional information regarding the feasibility of selective channel overrides under these circumstances. We also seek comment whether the preemption of such franchise provisions would serve the public interest. We invite comment on any other matters relating to selective override of voluntary EAS messages.

IV. PROCEDURAL MATTERS

A. Regulatory Flexibility Act

1.10 Appendix A contains an Initial Regulatory Flexibility Analysis. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. We also seek comment on the number of entities affected by the proposed rules that are small businesses, and request that commenters identify whether they themselves are small businesses. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Second Further Notice of Proposed Rule Making, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Second Further Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small

¹⁵ **See NAB's May 21 letter, *supra* note Error! Bookmark not defined. In this letter NAB listed two manufacturers cost estimates for cable override switches, one selective channel override system for a 70 channel trunk switched cable system costing \$7,000 and a second for an 80 channel cable system with individual channel switches costing \$8,000. Time Warner Entertainment Company (Time Warner) stated that selective override equipment is prohibitively expensive and would make many override systems obsolete. Opposition to Petition for Partial Reconsideration, Time Warner Entertainment Company, L.P., Washington, D.C., February 23, 1995, at 2-4.**

Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 *et. seq.* (1981).

B. Ex Parte Rules -- Non-Restricted Proceeding

1.11 This is a permit-but-disclose notice and comment rule making proceeding. Ex parte presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. *See generally* 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

C. Initial Paperwork Reduction Act of 1995 Analysis

1.12 This Second Further Notice of Proposed Rule Making does not contain either a proposed or modified information collection.

D. Comment Dates

1.13 Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before April 20, 1998, and reply comments on May 5, 1998. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. You may also file informal comments by electronic mail. You should address informal comments to dsturdiv@fcc.gov. You must put the docket number of this proceeding on the subject line ("FO Docket 91-301/ FO Docket 91-171"). You must also include your full name and Postal Service mailing address in the text of the message. Formal and informal comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

F. Ordering Clauses

1.14 Authority for issuance of this Second Further Notice of Proposed Rule Making is contained in Sections 4(i), 4(j), 303(r), 624(g) and 706 (c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(b), 303(r), 544(g) and 706(c).

G. Contacts for Information

1.15 For further information, contact David Sturdivant, Compliance and Information Bureau (202) 418-1100 or via E-Mail to "dsturdiv@fcc.gov".

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

Attachment

APPENDIX A

INITIAL REGULATORY FLEXIBILITY ANALYSIS (IRFA)

As required by the Regulatory Flexibility Act (RFA),¹⁶ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Second Further Notice of Proposed Rule Making (Second Further Notice). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the Further Notice provided above. The Commission will send a copy of this Further Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.¹⁷ In addition, the Second Further Notice and IRFA will be published in the Federal Register.

I. Need For and Objectives of the Proposed Rules:

A.. This Second Further Notice seeks to re-examine the rules regarding emergency information provided by local broadcast television sources that are carried on cable television systems. It seeks information that will assist the Commission in determining whether current rules are sufficient to ensure cable viewers reliable access to emergency information. It also requests commenters to provide data regarding the cost and impact of selective override equipment.

II. Legal Basis:

B.. The proposed action is authorized under Sections 4(i), 4(j), 303(r), 624(g) and 706 (c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(b), 303(r), 544(g) and 706(c).

III. Description and Estimate of Small Entities Affected:

C.. The RFA generally defines "small entity" as having the same meaning as the terms "small business", "small organization", and "small governmental jurisdiction" and "the same meaning as the term 'small business concern' under the Small Business Act unless the Commission has developed one or more definitions that are appropriate for its activities.

¹⁶ ***See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract with America Advancement Act of 1996 Pub. L. No. 104-121, 110 Stat. 847 (1996)(CWAAA). Title II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA).**

¹⁷ ***See* 5 U.S.C. § 604.**

15 U.S.C. § 632.¹⁸ A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).¹⁹ The Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA) provision of the IRFA also applies to nonprofit organizations and to governmental organizations such as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.²⁰

D.. The SBA has developed a definition of small entities for cable and wireless cable which includes all such companies generating less than \$11 million in revenue annually. This definition includes cable systems operators and wireless cable systems operators. According to the Census Bureau, there were 1,439 such cable and wireless cable systems generating less than \$11 million in revenue that were in operation for at least one year at the end of 1995.

E.. The Commission has developed its own definition of a small cable systems operator for the purposes of rate regulation. Under the Commission's rules a "small cable company" is one serving fewer than 400,000 subscribers nationwide.²¹ Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable system operators at the end of 1995.²² Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. The Commission has no definition of small wireless cable operator. WCAI states that there are 170 wireless cable systems in the United States serving approximately 700,000 homes.²³ Consequently, we estimate that there are fewer than 1,423

¹⁸ **Regulatory Flexibility Act (RFA), 5 U.S.C. § 601(3)(1980) (Incorporating by reference the definition of "small business concern" in 5 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."**

¹⁹ **Small Business Act, 15 U.S.C. § 632 (1996).**

²⁰ **Small Business Regulatory Enforcement and Fairness Act (SBREFA), 15 U.S.C. § 601(5). For example, there are 85,006 governmental entities in the United States of which 37,566 have populations of less than 50,000. United States Dept. of Commerce, Bureau of the Census, *1992 Census of Governments (1992 Census)***

²¹ **47 C.F.R. § 76.90(e). The Commission developed this definition based on its determination that a small cable system operation is one with annual revenues of \$100 million or less. *Implementation of Sections of the 1992 Cable Act: Rate Regulation, Sixth Report and Order and Eleventh Order on Reconsideration*, 10 FCC Rcd. 7393 (1995).**

²² **Paul Kagan Associates, Inc., *Cable TV Investor*, Feb. 29, 1996 (based on figures for Dec. 30, 1995).**

small cable systems operators and 170 wireless cable operators that may be affected by the guidelines adopted in the Second Report and Order.

F.. The Communications Act also contains a definition of a small cable system operator, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenue in the aggregate exceed \$250,000,000."²⁴ The Commission has determined that there are 61,700,000 cable television subscribers in the United States. Therefore, we found that an operator serving fewer than 617,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed \$250 million in the aggregate.²⁵ Based on available data, we find that the number of cable operators serving 617,000 subscribers or less totals 1,450.²⁶ Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed \$250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

G.. The Commission will need to receive more data regarding cable subscriber's access to local emergency information from local television broadcasters in order to determine the number of small entities that would be affected by the proposals in this Second Further Notice. We are, however, able to estimate the number of cable systems that serve fewer than 5,000 subscribers--8642; serve 5,000 or more, but fewer than 10,000 subscribers--666; and, serve 10,000 or more subscribers--1,266.²⁷ Thus we can estimate that there are 10,943 cable systems and 170 wireless cable operators subject to the Commission's EAS rules that may be affected by this Second Further Notice.²⁸

²³ **Comments of Wireless Cable Association International (WCAI), February 22, 1995, at 2.**

²⁴ **47 U.S.C. § 543(m)(2).**

²⁵ **47 C.F.R. § 76.1403(b).**

²⁶ ***See Cable TV Investor supra* note **Error! Bookmark not defined.****

²⁷ ***Television and Cable Factbook*, Warren Publishing, Inc., at F-2 (1997).**

²⁸ **The discrepancy in the total number of cable television systems and the number of cable television systems in each category is due to 419 cable television systems that do not have the number of subscribers listed in the *Television and Cable Factbook*. Such systems must comply with the Commission's EAS Rules.**

IV. Description of Projected Reporting, Record Keeping and Other Compliance Requirements:

H.. In order to implement the statutory mandate of the Cable Act of 1992, and the subsequent amendments to the Communications Act, as well as the rules adopted in the *Second Report and Order*, the Commission is proposing rules to ensure that emergency programming on local broadcast stations carried on cable television systems is uninterrupted by EAS messages originated by cable operators. Compliance with these proposed rules will require engineering, technical, operations, and administrative skills. These rules may also impose reporting, record keeping and other compliance requirements on small businesses, including:

1. All cable television systems that serve 5,000 or more subscribers, will be required to install EAS equipment at an estimated cost of \$15,000 to \$20,000. Cable television systems that serve fewer than 5,000 subscribers and do not provide the national level EAS message on all programmed channels will be required to install EAS equipment at an estimated cost of \$10,000 to \$15,000.
2. Cable systems with more than 10,000 subscribers per headend, must install the EAS equipment by December 31, 1998, and provide audio and video EAS messages on all programmed channels.
3. Cable systems with 5,000 or more, but less than 10,000 subscribers per headend must install the EAS equipment by October 1, 2002, and provide audio and video EAS messages on all programmed channels.
4. Cable systems serving fewer than 5,000 subscribers per headend must either provide the national level EAS message on all programmed channels--including the required testing--or, install the EAS equipment by October 1, 2002, and provide an audio EAS message and a video interrupt on all programmed channels as well as an audio and video EAS message on at least one programmed channel.
5. Wireless cable systems with 5,000 or more subscribers per headend must install the EAS equipment by October 1, 2002, and provide audio and video EAS messages on all programmed channels.
6. Wireless cable systems serving fewer than 5,000 subscribers per headend must either provide the national level EAS message on all programmed channels--including the required testing--or, install the EAS equipment by October 1, 2002, and provide an audio EAS message and a video interrupt on all programmed channels as well as an audio and video EAS message on at least one programmed channel.

V. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered:

I.. Based on the record in this proceeding the Commission has determined that it has no authority to exempt cable systems from the EAS requirements. We have also determined that requiring small cable systems and wireless cable systems to comply with the EAS immediately could have adverse economic effect on their operations. We have, therefore, adopted alternatives which minimize burdens placed on small entities. The EAS requirements for small sized cable systems and all wireless cable systems will be phased-in over the next five years. This approach eliminates the need for small entities to invest \$10,000 to \$15,000 in 1997. This action provides an additional amount of time for small cable systems to raise capital and reduces unnecessary economic and administrative burdens for cable television providers that are also small businesses. We seek additional information regarding any cost related to the purchase and installation and use of selective channel override equipment

J.. Additionally, cable systems and wireless cable systems having fewer than 5,000 subscribers will be permitted to comply with the EAS requirements by carrying only programming that in turn provides the national level EAS message or provide video messaging capability on one video channel rather than on all video channels. This elimination of the all channel video messaging requirement and the phase-in of the EAS requirements will significantly reduce such systems' EAS costs.²⁹ Further, NCTA, CATA and NAD have agreed to work cooperatively to determine if there exists a better means of alerting hard-of-hearing cable customers prior to the October 1, 2002, deadline. We encourage this cooperative effort and will fully consider their suggested alternatives. Finally, we will consider, on a case-by-case basis, waivers of the EAS requirements for small cable systems.

K.. Finally, we believe that amendment of our rules promotes the national policy goals set forth in Section 257 of the Communications Act by enabling the small cable systems to comply with the Emergency Alert System (EAS) requirements by allowing them an extended period of time to install the EAS equipment.

VI. Federal Rules That May Duplicate, Overlap, Conflict With the Proposals:

L.. None.

IT IS FURTHER ORDERED that the Commission's Office of Public affairs, Reference Operations Division, SHALL SEND a copy of this Second Further Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief counsel for Advocacy of the Small Business Administration.

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We estimate that the cost of installing EAS equipment for small systems to be \$6,000 to \$8,000.