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

In the Matter of	)	
	)	
Amendment of Part 73, Subpart G, of the	)	FO Docket No. 91-171
Commission's Rules Regarding the	)	FO Docket No. 91-301
Emergency Broadcast System	)	

THIRD REPORT AND ORDER

Adopted: December 14, 1998 **Released:** December 23, 1998

By the Commission:

I. Introduction

1.. The Commission has before it a request to mandate selective channel overrides that prevent program interruption on broadcast channels when a cable system that carries that broadcast station provides a state or local Emergency Alert System (EAS) message. For the reasons set forth below, we decline to adopt rules preventing cable systems from displaying state or local EAS messages on channels carrying broadcast programming.

II. Background

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 ". . . each cable operator shall comply with such standards as the Commission shall prescribe to

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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 Nos. 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).

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] National level EAS messages and EAS tests must be forwarded to the public. All other EAS messages are transmitted on a voluntary basis by the EAS participant.

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[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 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.

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.[5] The *Second Report and Order (Second R&O)*, established additional EAS guidelines outlining cable system participation in EAS.[6] The EAS rules require that cable systems must send some type of visual alert, as well as an audio alert on all channels when activating the EAS.[7]

4.. The National Association of Broadcasters (NAB)[8] 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.[9] 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. According to the NAB, many local broadcasters have weather and news resources that may provide additional information concerning a developing emergency event.[10] In the *Second R&O*, in response to these concerns,

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5 ***Memorandum Opinion and Order***, 10 FCC Rcd 11494, ¶¶21-24 (1995).

6 ***Second Report and Order***, Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, FO Docket Nos. 91-171/91-301, FCC 97-338, 13 FCC Rcd 6353 (1997).

7 Sections 11.51(g)(2) and 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).

8 ***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.

9 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.

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

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.[11]

III. Discussion

5.. In the *Second Further Notice* the Commission sought comment on whether selective override should be mandated as NAB requests[12] or if the current rule permitting written agreements to not override a broadcasters signal is sufficient.[13] 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[14]:

(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.

We also sought comment as to whether such a proposal would satisfy the requirements of

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[11] 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

[12] 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.

[13] *Second Further Notice* at ¶ 6.

[14] *Id.*

Section 624(g) of the Communications Act.

Selective Override

6.. In comments submitted in response to the *Second Further Notice*, NAB restates arguments it raised in previous filings -- that requiring or permitting cable EAS messages to preempt broadcast signals violates Section 111(c)(3) of the Copyright Act and the must carry provisions set forth in Section 614(b)(3)(A) of the Communications Act.[15] NAB further contends that local broadcast station programming is exempt from the 1992 Cable Act's requirement that cable systems provide emergency information to their subscribers. According to NAB, that statutory mandate was directed only at cable's non-broadcast video programming (*e.g.*, Lifetime, Discovery, HBO, CNN), which had not participated in the former Emergency Broadcast System.[16] NAB argues that "the law should have no effect" where cable subscribers are viewing local broadcast stations.[17] NAB additionally urges the Commission to preempt provisions of cable television franchise agreements that require emergency messaging over all cable channels, claiming that the information provided by broadcasters is superior to that provided by cable systems.[18] NAB also contends that the Commission's rules allowing cable operators and broadcasters to enter into written agreements to institute selective overrides[19] are "unworkable" because some broadcasters would have to negotiate with hundreds of cable systems to implement such procedures.[20] CBS Corporation also supported mandatory selective overrides and expressed concern that viewers will lose access to emergency programming

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[15] Comments of NAB, April 20, 1998, at 4-11 and n.6. Section 111(c)(3) of the Copyright Act provides that an infringement occurs "if the content of the particular program ... or any commercial advertising or station announcements transmitted by the primary transmitter ... is in any way willfully altered by the cable systems through changes, deletions, or additions ...." 17 U.S.C. § 111(c)(3). The must carry provisions provide that when a cable operator carries a local station, it must carry the primary audio and video in their entirety and may not delete programming unless required by Commission rules. 47 U.S.C. § 534(b)(3); 47 C.F.R. § 76.62.

[16] *Id.* at 4-6.

[17] *Id.*

[18] *Id.* at 19.

[19] Sections 11.51(g)(4) and (h)(4) of the Commission's Rules, 47 C.F.R. §11.51(g)(4) and (h)(4), provide that "Cable systems and wireless cable systems may elect not to interrupt EAS messages from broadcast stations based upon a written agreement between all concerned. Further, cable systems and wireless cable systems may elect not to interrupt the programming of a broadcast station carrying news or weather related emergency information with state and local EAS messages based on a written agreement between all parties."

[20] NAB *supra*, note Error! Bookmark not defined., at 3-4.

provided by broadcast stations if cable systems interrupt programming with EAS messages.[21] Other commenters note that due in part to the information gathering resources available at many broadcast stations, television broadcasters will be able to provide the latest emergency information when emergencies occur in their broadcast coverage area.[22] Several commenters noted that broadcast stations invest significant resources in developing local news and weather coverage.[23] WJET-TV's comments were typical of many who contend that coverage of emergency events may be severely hampered if interrupted by an EAS alert transmitted by a cable system.[24] The Joint Broadcasters comment that program interruption has occurred when their signals have been interrupted on cable systems by messages sent to cable subscribers that replace normal programming with blank screens and an audio message.[25]

7.. Time Warner, among other cable television entities, opposed mandatory selective override and stated that channel overrides will actually deprive many viewers of local emergency alerts. They point out that broadcasters transmit state and local EAS messages on a voluntary basis, and in some instances may not send information to their viewers.[26] Additionally, they contend that mandatory channel override rules could result in cable subscribers watching broadcast stations on a cable system from ever viewing any emergency information if the local broadcaster does not provide it. Armstrong Cable Services and Intermountain Cable, Inc. state that adoption of mandatory selective override will force cable operators to violate franchise agreements because of their franchise agreement requirements to cover local emergencies.[27]

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[21] Comments of CBS Corporation, April 17, 1998, at 3.

[22] Comments of WJET-TV, April 21, 1998 at 2; Texas Broadcasters Association, the Missouri Broadcasters Association, the Minnesota Broadcasters Association, and the California Broadcasters Association, April 21, 1998 at 4.

[23] Comments of Broadcasters' Joint Comments, April 20, 1998, at 4. WCIA states they spend more then $25,000 annually to purchase Doppler radar images and other data. The station also obtains data from the National Weather Service (NWS). at 3.

[24] WJET-TV, *supra* note 22 at 2. State and local EAS messages are intended to alert the public of a potential emergency in order to allow them to seek addition information or take protective action.

[25] Broadcasters Joint Comments *supra* note 23, at 7.

[26] Comments of Time Warner April 20, 1998, at 6.

[27] Comments of Armstrong Cable Services and Intermountain Cable, Inc., April 20, 1998, at 5.

Further, Time Warner comments that many cable franchise authorities require all-channel override to provide local emergency information and that cable operators would have to install two separate sets of switch closures to meet the local franchise authority requirement and a mandatory selective override.[28] Several commenters state that cable subscribers that are located out of the normal reception area of a broadcast station may also be deprived of local messages when viewing the broadcast station on their cable system.[29]

8.. Additionally, the Commission received *ex parte* comments from local government entities objecting to the proposal to mandate selective override.[30] Central Virginia National Disaster Medical System's (Central Virginia) comments were typical of the objections to the proposal. Central Virginia stated that the proposal would prevent cable television viewers from receiving emergency announcements from their local public safety/emergency management authorities.[31] It is Central Virginia's contention that emergency information on television stations can be helpful but is mainly weather related.[32] Central Virginia claims that local emergency alerts are used for hazardous materials spills, prison escapes and local snow emergencies, among other things, and that television stations do not cover these local emergencies because the station serves hundreds of communities and do not cover local emergencies that affect only one community.[33] Central Virginia states that the decision to provide an emergency alert for local conditions should be a determination left up to each municipal emergency management authority on a case-by-case basis, as reflected in their cable franchise.[34] Finally, the National Weather Service stated that it objects to the proposed mandatory selective override because it will impair the ability of local emergency management personnel to protect the public from natural disasters.[35]

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28 Time Warner *supra* note Error! Bookmark not defined., at 10.

29 Comments of Safety Alert Monitor (SAM) at 1; National Cable Television Association (NCTA) at 7-8; MediaOne Inc at 2.

30 *See* Appendix C for a complete list of *ex parte* commenters.

31 Comments of Central Virginia National Disaster Medical System, Richmond, Virginia, June 29, 1998.

32 *Id. at 2.*

33 *Id.*

34 *Id.*

35 Comments of the National Weather Service dated August 19, 1998.

9.. Comments filed by the National League of Cities and municipalities and municipal organizations in seven states (National League of Cities), representing more than 17,000 municipalities, and additional municipalities in seven states objected to the proposal to mandate selective override because of the harm it could cause municipalities.[36] The National League of Cities states that the principal focus of its comments is related to the effects that mandating selective override would have on Local Emergency Notification Systems provided for in cable franchises.[37] They argue, however, that the proposed rule change would also cause cable television subscribers to miss "Federal" EAS messages.[38]

10.. The National League of Cities states that one vital public safety function of local government is immediate notification to the public of local emergencies and that cable television systems are a prime means for local public safety officials to notify residents of an emergency.[39] They additionally note that cable franchise authorities typically provide for Local Emergency Notification Systems that are used by local public safety authorities for a wide variety of local emergencies such as toxic chemical spills or local road restrictions that may not be covered by a television station.[40] Further, the National League of Cities claims that thousands of lives will be lost if Local Emergency Notification Systems cannot be used in local emergency situations.[41] The FCC Local and State Government Advisory Committee (LSGAC) echoed similar concerns.[42] According to the LSGAC, the present system, which allows brief interruption of all

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[36] Comments of the National League of Cities and municipalities and municipal organizations in seven states (National League of Cities) at 3.

[37] The National League of Cities uses the term Local Emergency Notification Systems to refer to local emergency systems provided for by a cable franchise. Comments of the National League of Cities at n. 2.

[38] Comments of the National League of Cities at 6. The Emergency Alert System requires participating broadcast stations and all cable television systems to transmit the national EAS message and required test messages. All broadcast stations and cable television systems are permitted to voluntarily transmit state and local EAS messages.

[39] *Id. at 7.*

[40] *Id.*

[41] *Id.*

[42] Comments of the Federal Communications Commission Local and State Government Advisory Committee (LSGAC), Advisory Recommendation No. 12 (adopted October 30, 1998).

cable programming to deliver emergency messages, is critical in assisting local government to quickly reach large groups of people during emergency situations. LSGAC contends that selective override would "result in dilution of the government's ability to circulate public safety bulletins to the public" and would have a "detrimental effect on local government's ability to address public safety issues."[43] LSGAC contends that "the individual franchising authority is in the best position to decide what emergency message to convey" to the local community.[44] LSGAC also points out that the present emergency alert system "does not provide for an extended, unilateral takeover of a broadcast, preempting programming for an entire day or evening."[45] Rather, according to LSGAC, the two minute messages relayed by cable operators "are not unreasonable impositions on broadcasters, considering the importance of the public hearing the message."[46] LSGAC states that the "message from the government is important, not how the broadcasters dress it up" and that current regulations do not prevent broadcasters "from delivering the glossy message that is discussed in their filings."[47]

11.. The National League of Cities also argues that the Commission has no statutory authority to preempt existing cable franchise provisions requiring all channel Local Emergency Notification Systems.[48] They contend that cable television franchise renewals are governed by Section 626 of the Cable Act and that a community's determination that an all-channel Local Emergency Notification System is necessary to meet community needs and interests is dispositive unless appealed to the local courts.[49]

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43 *Id.* at ¶¶ 3, 4 and 6.

44 *Id.* at ¶ 6.

45 *Id.* at ¶ 3.

46 *Id.*

47 *Id.* at ¶2.

48 National League of Cities *supra* note Error! Bookmark not defined., at 13.

49 *Id.*

Implementation Costs

12.. The Commission requested specific comment on the additional cost to install equipment that has the capacity for selective override.[50] We noted that the record contains a wide disparity in the estimated costs.[51] Part of the disparity in estimated costs, according to several commenters, may be due to the different types of installed infrastructure at existing cable television systems.[52] Additionally, Time Warner claims that cable systems also vary widely in the amount of equipment needed to comply with a selective override rule.[53] In many cases channel deletion filters will be needed to prevent the display of an EAS message on channels carrying broadcast stations.[54] These filters have an estimated cost between $100 and $1,000 apiece.[55] NCTA claims that cable systems not originally designed to accept channel overrides may also incur additional maintenance costs.[56] The Small Cable Business Administration (SCBA) claims that smaller systems would more likely incur more significant economic impact due to economies of scale.[57]

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50 *Second Further Notice* at ¶ 8.

51 *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.

52 *See* comments of National Association of Broadcasters at 19; National Cable Television Association and Cable Telecommunications Association (NCTA) at 13; and Ameritech at 6. Additional per channel cost indicated for cable systems in comments was between $100 (NAB) and $995 (NCTA). Ameritech, which will use non-traditional headend equipment quotes a possible implementation cost of $100,000.

53 Time Warner *supra* note Error! Bookmark not defined. at 8.

54 *See* Declaration of Andy Scott, NCTA comments, *supra* note Error! Bookmark not defined., and comments of Safety Alert Monitor, April 16, 1998, at 1.

55 NAB, NCTA, and Ameritech *supra* note Error! Bookmark not defined..

56 *See* Declaration of Andy Scott, NCTA *supra* note Error! Bookmark not defined..

57 Reply comments of Small Cable Business Administration (SCBA), May 4, 1998, at 6-7.

13.. *Decision.* After carefully considering the record in this proceeding, we decline to mandate selective channel overrides at this time. We agree that many broadcast stations undeniably provide valuable emergency related information and help save life and property. The record suggests however, in certain circumstances, cable systems may be better suited to provide necessary emergency information to local communities. For instance, the record indicates that many local governments view cable television systems as a primary means of notifying residents about local emergencies since municipalities can control such emergency notifications through cable franchise agreements[58] -- control they do not have over broadcasters.[59] The record further suggests that because broadcast stations often serve a wide coverage area crossing hundreds of communities, they may not cover local emergencies that affect only a single community.[60] By contrast, cable franchise agreements frequently require local cable systems to cover all local emergencies.[61] Additionally, many local governments consider cable television systems to be a primary means for alerting local residents of non-weather related emergencies, such as hazardous materials spills or local road restrictions, which tend to affect a more confined area than weather-related emergencies and therefore may not be covered by an area TV station.[62] Whether selective override is beneficial may depend upon local facts and circumstances. For that reason, we believe voluntary selective override is preferable to a mandatory scheme. As held in the *First R&O*, the Commission currently regulates only National emergency messaging under the EAS.[63] State and local EAS messages may be sent on a voluntary basis when the EAS system is not in use during National emergencies.[64] Neither NAB nor any commenters

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[58] National League of Cities, *supra* note 38, at 7; *ex parte* comments of City of Leon Valley, June 25, 1998, at 2; *ex parte* comments of City of Rockwall, June 24, 1998.

[59] *Id.*

[60] *See* ¶18, *supra.*

[61] *Id.*

[62] *See* ¶110, *supra.*

[63] *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 Nos. 91-171/91-301, 10 FCC Rcd 1786 (1994)., at 1809

[64] Sections 11.51(a),11.51(g) and 11.51(h) 47 C.F.R. §§ 11.51(a), 11.51(g), 11.51(h), specifies that all EAS participants transmit EAS National messages and EAS tests.

supporting NAB's proposal have raised a compelling basis for changing our existing policy by regulating local EAS messages through mandatory selective override.

14.. Our *Memorandum Opinion and Order* already resolved the copyright and must-carry issues raised by NAB, by rejecting NAB's contention that a cable's EAS interruption of a broadcast retransmission violates the Copyright Act and the must carry provisions set forth in Section 614(b)(3)(A) of the Communications Act.[65] We find our analysis in the *Memorandum Opinion and Order* is still valid and again reject NAB's arguments on these points. Furthermore, we find no merit in NAB's assertion that local broadcast stations must be exempted from the statutory requirement that cable systems provide emergency information to their subscribers. Neither the plain language of the statute nor the legislative history support such a mandatory exemption. Section 624(g) requires that each cable operator ensure that viewers of video programming on cable systems are afforded emergency information.[66] Nowhere in the statutory language or legislative history is there a requirement that broadcast programming transmitted over cable systems be exempt from the EAS requirements of Section 624(g) simply because such broadcast programming is subject to its own EAS requirements.

15.. We therefore decline to preempt provisions of cable television franchise agreements that require emergency messaging over all cable channels. Neither NAB nor the other commenters supporting mandatory selective override have provided sufficient grounds for overturning our decision in the *Second R&O* not to preempt existing franchise agreements that require emergency alerting for local conditions. To the contrary, the record in this proceeding continues to support our finding that "franchising officials are most familiar with local conditions and threats to their communities as well as the types of emergency information needed to respond to such threats. They are also best suited to work within their communities to develop state and local emergency alerting plans."[67]

16.. Finally, we find that the Commission's rules allowing cable operators and broadcasters to enter into written agreements to institute selective overrides provide participants sufficient flexibility in serving their audience while meeting obligations prescribed by Congress.[68] We find no merit in NAB's contention that negotiations with a multitude of different cable systems would make the rules "unworkable" for broadcast stations.

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65 *Memorandum Opinion and Order*, 10 FCC Rcd 11494 (¶¶15-25) (1995).

66 Section 624(g) of the Communications Act, 47 U.S.C. § 544(g).

67 *Second R&O at ¶ 33*.

68 Sections 11.51(g)(4) and (h)(4) of the Commission's Rules, 47 C.F.R. §11.51(g)(4) and (h)(4).

IV. CONCLUSION

17.. After carefully considering the NAB's request, we find that mandating selective channel override is inappropriate at this time. Therefore, we are declining to adopt rules that would require the mandatory selective override of broadcast stations by cable television systems.

V. PROCEDURAL MATTERS

18.. *Final Regulatory Flexibility Analysis*. In this Third Report and Order we have determined not to promulgate any final rules, therefore no final Regulatory Act analysis is required.

VI. ORDERING CLAUSES

19.. Authority for issuance of this Third Report and Order is contained in Sections 4(i), 257, 303(b), 303(g), 303(r), 309(j), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 257, 303(b), 303(g), 303(r), 309(j), and 332(a).

20.. For further information concerning this proceeding, contact EAS staff, FCC Compliance and Information Bureau, Room 736 (Stop Code 1500B1), 1919 M Street, N.W., Washington, D.C. 20554 (202) 418-1220 or (202) 418-1226.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

Appendix A
Comments

1) **Safety Alert Monitor**
2) **Joint Comments of Armstrong Cable Services & Inter-Mountain Cable Inc.**
3) **Ameritech New Media Inc.**
4) **National Association of Broadcasters (NAB)**
5) **Society of Broadcast Engineers (SBE)**
6) **Broadcasters' Joint Comments** (Midwest Television Inc., Post-Newsweek)
7) **Texas, Missouri, Minnesota, & California Broadcast Associations**
8) **Association of Local Television Stations, Inc. (ALTV)**
9) **CBS Corporation**
10) **National Cable Television Association and Cable Telecommunications Association** NCTA, CATA
11) **Mediaone, Inc.**
12) **Time Warner Cable**
13) ***Supplemental Pleading to #7** Maryland/DC/Delaware (filed May 6, 1998)
14) **KTXL Fox**
15) **WJET-TV ABC**
16) **Trilithic Inc.**
17) **Jeanette S. Zimmer**

Appendix B
Reply Comments

1) **National Association of Telecommunications Officers and Advisors** (NATOA)
2) **National Cable Television Association and Cable Telecommunications Association** NCTA,CATA
3) **Univision Communications INC.**
4) **Joint Reply Comments of Armstrong Cable Services & Inter-Mountain Cable Inc.**
5) **Small Cable Business Association (SCBA)**
6) **Joint Reply Comments of Kansas Association of Broadcasters and Named Television Broadcast Station Licensees**

Appendix C
Late/Ex-parte Comments

1) **David A. Smith**
2) **Village of Norridge**
3) **City of Leon Valley**
4) **City of Rockwall**
5) **Upper Merion Township**
6) **Carrollton, TX**
7) **Boone County**
8) **Clark County Emergency Services**
9) **Board of County Commissioners Leon County**
10) **The Village of Western Springs**
11) **Division of Disaster and Emergency Services KY**
12) **Larry Dixon**
13) **City of DeSoto**
14) **National League of Cities**
15) **City of New York**
16) **International Association of Emergency Manger IAEM**
17) **City of Brunswick**
18) **National Weather Service**
19) **Elk Grove Village**
20) **City of Bremerton**
21) **City of Grandville**
22) **Zeeland Charter Township**
23) **Wayland Township**
24) **Charter Township of Ypsilanti**
25) **City of Dublin**
26) **City of San Luis Obispo**
27) **Township of Cannon**
28) **Grand Rapids Charter Township**
29) **Omaha City**
30) **City of Cannon Falls**
31) **City of Chicago**
32) **City of Naperville**
33) **City of Mayfield**
34) **City of Littleton**
35) **City of Westland**
36) **City of Coopersville**
37) **City of Indianapolis**
38) **City of Flagstaff**
39) **Charter Township of Harrison**

40) **City of Wyoming**
41) **City of East Tawas**
42) **Atoka**
43) **Board of Supervisors Saratoga County**
44) **City of Springfield**
45) **City of Alpena**
46) **City of Cadillac**
47) **City of St. Louis**
48) **Hurd Charter Township**
49) **Village of Hoffman Estates**
50) **City of Boulder**
51) **James City County**
52) **City of Newark**
53) **City of Clawson**
54) **City of Highland Park**
55) **City of Walker**
56) **City of Rosenberg**
57) **City of St. Cloud**
58) **City of New London**
59) **Ada Township**
60) **City of Palo Alto**
61) **Village of Wilmette**
62) **Contra Costa County**
63) **Germantown**
64) **Township of Mullica**
65) **City of Corpus Christi**
66) **Citrus County**
67) **Town of Whitman**
68) **Emergency Management Strategic Health Care Group**
69) **City of Hollywood**
70) **City of Oakland Park**
71) **Town of Brookhaven**
72) **City of Plano**
73) **City of Laurel**
74) **Village of Vicksburg**
75) **City of Waukeshe**
76) **City of Davison**
77) **Clark County**
78) **City of Eustic**
79) **Fraur, Hubbard, Brandt and Trask**
80) **City of Kissimmee**
81) **City of Denton**
82) **City of Columbus**

83) **City of Titusville**
84) **City of Eagan**
85) **Village of Western Springs**
86) **Mr. Charles Oxford**
87) **Local and State Government Advisory Committee**