

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

In the Matter of)	
)	
Hancel, Inc. d/b/a Hancock Video)	File No. EB-02-TS-613
)	
Operator of Cable Systems in:)	
)	
Hancock, New York)	
Lakewood, Pennsylvania)	
)	
Request for Waivers of Section 11.11(a) of the)	
Commission’s Rules)	

ORDER

Adopted: July 9, 2003

Released: July 14, 2003

By the Chief, Technical and Public Safety Division, Enforcement Bureau:

1. In this *Order*, we grant Hancel, Inc. d/b/a Hancock Video (“Hancel”) temporary, two-month waivers of Section 11.11(a) of the Commission’s Rules (“Rules”) for the two above-captioned cable television systems. Section 11.11(a) 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, 2002.¹

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934 (“Act”), which requires that cable systems be capable of providing EAS alerts to their subscribers.² In 1994, the Commission adopted rules requiring cable systems to participate in EAS.³ In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems.⁴ The

¹ 47 C.F.R. § 11.11(a).

² 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).

³ *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*, FO Docket Nos. 91-171/91-301, 10 FCC Rcd 1786 (1994) (“*First Report and Order*”), *reconsideration granted in part, denied in part*, 10 FCC Rcd 11494 (1995).

⁴ *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 (1997) (“*Second Report and Order*”).

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

3. Hancel filed a request for temporary, two-month waivers of Section 11.11(a) for the two captioned cable systems on September 30, 2002. In support of its waiver request, Hancel states that it has ordered EAS equipment for the two small, rural cable systems which, together, serve less than 1,200 subscribers. Based on information provided by its vendor, Hancel further states that the EAS equipment should be delivered by November 1, 2002. In addition, Hancel submits that its subscribers will continue to have ready access to national EAS information from other sources, including its cable systems. Hancel also submits that subscribers will have access to EAS information through over-the-air reception of broadcast television and radio stations. Finally, Hancel believes that it can bring the two cable systems into compliance with EAS requirements by December 1, 2002.

4. Based upon our review of the information submitted by Hancock Video, we conclude that temporary, two-month waivers of Section 11.11(a) for the two captioned cable systems are warranted.⁷

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 0.111, 0.204(b) and 0.311 of the Rules,⁸ Hancel, Inc. d/b/a Hancock Video **IS GRANTED** a waiver of Section 11.11(a) of the Rules until December 1, 2002 for the two captioned cable television systems.

6. **IT IS FURTHER ORDERED** that Hancel, Inc. d/b/a Hancock Video place a copy of this waiver in its system files.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to counsel for Hancel, Inc. d/b/a Hancock Video, Marci E. Greenstein, Esq., Kraskin, Lesse & Cosson, LLP, 2120 L Street, N.W., Suite 520, Washington, D.C. 20037.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey
Chief, Technical and Public Safety Division

⁵ *Id.* at 15512-13.

⁶ *Id.* at 15516-15518.

⁷ The waivers will extend from October 1, 2002, until December 1, 2002. Additionally, we clarify that these waivers we are granting also encompass the EAS testing and monitoring requirements.

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

Enforcement Bureau