

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

In the Matter of
Review of the Emergency Alert System;
Independent Spanish Broadcasters Association,
the Office of Communication of the United
Church of Christ, Inc., and the Minority Media
and Telecommunications Council, Petition for
Immediate Relief;
Randy Gehman Petition for Rulemaking
EB Docket No. 04-296

ORDER

Adopted: June 21, 2012

Released: June 21, 2012

By the Chief, Public Safety and Homeland Security Bureau:

1. The American Cable Association (ACA) has filed with the Federal Communications Commission (Commission) a "Withdrawal of Petition for Reconsideration" seeking to withdraw ACA's April 20, 2012 Petition for Reconsideration of the Commission's Emergency Alert System (EAS) Fifth Report and Order. For the reasons set out in this Order, the Public Safety and Homeland Security Bureau (the Bureau), on delegated authority, grants the ACA Withdrawal Petition, dismisses the ACA Reconsideration Petition, and cancels the comment cycle for ACA's reconsideration petition.

2. The Commission's EAS Fifth Report and Order mandated, among other requirements, that cable TV service providers and other entities participating in the EAS (EAS Participants) be able to receive Common Alerting Protocol (CAP) formatted EAS alerts delivered by the Federal Emergency Management Agency (FEMA) no later than June 30, 2012. The Commission observed that the primary method of distributing CAP messages will be via a broadband Internet connection and stated that demonstrated lack of broadband Internet access offers a presumption in favor of a waiver of the June 30, 2012 deadline. In its April 20 reconsideration petition, ACA proposed that the Commission establish a streamlined waiver process for cable systems that serve less than 501 subscribers, subject to a showing of

1 American Cable Association Withdrawal of Petition for Reconsideration, EB Docket No. 04-296 (filed June 11, 2012) (ACA Withdrawal Petition).

2 American Cable Association Petition for Reconsideration, EB Docket No. 04-296 (filed April 20, 2012) (ACA Reconsideration Petition).

3 Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief; Randy Gehman Petition for Rulemaking, EB Docket 04-296, Fifth Report and Order, 27 FCC Rcd 642 (2012) (EAS Fifth Report and Order).

4 Fifth Report and Order, 27 FCC Rcd at 643, 644-45 ¶¶ 1, 4 (2012).

5 Id., at 696 ¶ 152.

compliance with specified conditions, and that waivers obtained through this process last at least one year.⁶

3. On May 25, 2012, the Commission released a Public Notice establishing a pleading cycle in response to ACA's petition, with oppositions due on June 25 and replies on July 3, 2012.⁷ In addition, the Commission invited comment on a number of specific questions related to the petition.⁸ The Federal Register published the Public Notice on June 8, 2012.⁹

4. In its June 11, 2012 withdrawal petition, ACA states that because "the comment cycle for the *Petition for Reconsideration* will extend beyond the June 30, 2012 EAS CAP compliance deadline ... the *Petition for Reconsideration* cannot now result in meaningful relief for ACA member companies and, from ACA's perspective, it is therefore moot."¹⁰ We find no reason to deny ACA's request to withdraw its reconsideration petition.

5. Accordingly, IT IS ORDERED that pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.8 and 1.429 of the Commission's Rules, 47 C.F.R. §§ 1.8, 1.429, the "Withdrawal of Petition for Reconsideration" filed by the American Cable Association IS GRANTED, the petition for reconsideration filed by the American Cable Association IS DISMISSED, the comment cycle for the American Cable Association's petition for reconsideration IS CANCELED.

6. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

David Turetsky
Chief
Public Safety and Homeland Security Bureau

⁶ ACA Petition at 1.

⁷ Federal Communications Commission Receives Petition Filed by American Cable Association for Partial Reconsideration of the Commission's Emergency Alert System Fifth Report and Order; Announces Schedule for Pleading Cycle, EB Docket No. 04-296, *Public Notice*, DA 12-834 (PSHSB rel. May 25, 2012) (Public Notice).

⁸ *Id.*

⁹ 77 Fed. Reg. 33995 (June 8, 2012).

¹⁰ ACA Withdrawal Petition at 2.