



Federal Communications Commission  
Washington, D.C. 20554

July 25, 2017

Tim Walker  
Owner/Manager  
Two Way Communications, LLC  
PO BOX 1205  
Marble Falls, TX 78654-1205

Dear Mr. Walker:

We are in receipt of your letter dated October 19, 2016 in which you request waivers on behalf of the Emergency Alert System (EAS) Participants<sup>1</sup> listed in your letter (Listed EAS Participants) of their EAS monitoring obligations as set forth in the State EAS Plan drafted by your State Emergency Communications Committee (SECC) and as required by the Federal Communications Commission's (Commission's) rules.<sup>2</sup> Specifically, you request waivers to allow the Listed EAS Participants to monitor alternative EAS monitoring sources from those assigned by your SECC because they are unable to receive an adequate or reliable signal from that assigned source. You have offered alternative monitoring sources from which the Listed EAS Participants can receive adequate and reliable signals. These alternative sources have been approved by your SECC. For the reasons set forth below, we grant your waiver request.

Under Section 11.52(d)(4) of the Commission's EAS rules, "[i]f the required EAS message sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the Chief, Public Safety and Homeland Security Bureau."<sup>3</sup> Further, the Commission may waive its rules if there is "good cause" to do so.<sup>4</sup> The Commission may find such good cause where special circumstances warrant a deviation from the general rule, and if deviation will serve the public interest.<sup>5</sup> A party requesting a waiver must plead with particularity the facts and circumstances justifying a waiver.<sup>6</sup>

We find that such good cause exists here, and accordingly grant your waiver request as indicated in the chart at the end of this letter. The reliability and efficacy of the EAS depends upon the ability of EAS Participants to receive clear signals from their monitoring sources. We agree that the Listed EAS Participants cannot receive such signals from their assigned sources, but can from the alternate source that you have proposed, as reflected by their approval by your SECC. Your proposed alternate sources are acceptable because they will enable the Listed EAS Participants to receive and distribute EAS alerts, thereby helping the public receive critical, timely, and clear emergency information.

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<sup>1</sup> See 47 C.F.R. §§ 11.2(d)(1) (EAS Participants include radio and television stations, wired and wireless cable television systems, DBS, SDARS, and wireline video systems).

<sup>2</sup> 47 C.F.R. § 11.52(d)(1).

<sup>3</sup> 47 C.F.R. § 11.52(d)(4).

<sup>4</sup> See *id.* § 1.3.

<sup>5</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (1973), *cert. denied*, 409 U.S. 1027 (1972)).

<sup>6</sup> See *WAIT Radio*, 418 F.2d at 1157.

Accordingly, based on the information you have provided, we grant your waiver request under delegated authority pursuant to Sections 1.3, 0.392, and 11.52(d)(4) of the Commission's rules, 47 C.F.R. §§ 1.3, 0.392, and 11.52(d)(4). We will send a copy of this letter to your SECC for inclusion as an amendment to your state's EAS Plan.

Sincerely,



Michael Wilhelm  
Acting Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau  
Federal Communications Commission

Date of Waiver Request	EAS Participant	Original Source 1	Original Source 2	Newly Approved Source 1	Newly Approved Source 2
10/19/2016	KBLY Newcastle	WBAP-AM 820	KSCS-FM 96.3	KNIN-FM 92.9	WBAP-AM 820