



Federal Communications Commission
Washington, D.C. 20554

March 6, 2018

Scott Rice
President RCA Broadcasting LLC/Licensee KZEY 1410
258 South 36th St.
San Diego, CA 92113

Dear Mr. Rice:

We have received your letter dated December 22, 2017, in which you request waiver on behalf of the Emergency Alert System (EAS) Participant¹ listed in your letter (Listed EAS Participant) of its 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.² Specifically, you request waiver to allow the Listed EAS Participant to monitor alternative EAS monitoring sources from those assigned by your SECC because the Listed EAS Participant is unable to receive adequate or reliable signals from the assigned sources. You have offered alternative monitoring sources from which the Listed EAS Participant 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."³ Further, the Commission may waive its rules if there is "good cause" to do so.⁴ 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.⁵ A party requesting a waiver must plead with particularity the facts and circumstances justifying a waiver.⁶

We find that such good cause exists here, and accordingly grant your waiver request as indicated in the attached Appendix. The reliability and efficacy of the EAS depends upon the ability of EAS Participants to receive clear signals from their monitoring sources. The relevant SECC has approved the proposed alternative monitoring sources as enabling the Listed EAS Participant to receive and distribute EAS alerts.

¹ 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).

² 47 C.F.R. § 11.52(d)(1).

³ 47 C.F.R. § 11.52(d)(4).

⁴ See *id.* § 1.3.

⁵ 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)).

⁶ 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,

A handwritten signature in blue ink, appearing to read "Michael Wilhelm", is written over the typed name.

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

cc: Texas Association of Broadcasters, c/o Oscar Rodriguez, Ann Arnold Center, 502 East 11th Street, Suite 200, Austin, TX 78701

APPENDIX

	LP-1	LP-2
KZEY(AM), Marshall, Texas	KNUE(FM), Tyler, Texas	KYKX(FM), Longview, Texas