

3. The SPMC relies upon a single broadcasting entity which operates on both AM (WHAU 1490 KHz.) and FM (WLYT 92.5 KHz.) frequencies to deliver instructional messages to the public as part of the public alert and notification system. These stations both operate on a 24 hour basis, 365 days of the year.

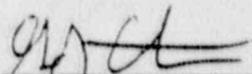
4. There currently exists both a primary (dedicated ring down circuit) and backup (commercial telephone) method for allowing rapid communications to occur between the NHY ORO Emergency Operations Center (EOC) and the WHAV/WLYT studios. In addition, there is a third method available for transmitting emergency information to the stations from the ORO EOC via the Remote Programming Unit (RPU) which has the capability for allowing direct on-air broadcast from the ORO EOC. Pre-recorded messages have been provided to the station to allow for the rapid dissemination of information in a fast breaking emergency. Additionally, a telefax capability is operational at both locations to allow transmission of hard copy messages. These measures ensure the ability of the ORO to be able to communicate emergency information to WHAV/WLYT.

5. In the event EBS is activated at a statewide or local operational area level, stations classified as non-EBS stations are not required to go "off the air". The only required instance during which a non-EBS station would go "off the air" would be in the event of a national emergency requiring activation of EBS on a national level. Section 73.918 of FCC rules (attached as "A") defines a Non-EBS station and the conditions under which it goes "off the air". Further the provisions of the Massachusetts EBS Operational Plan do not require non-EBS stations to go "off the air" during a statewide or local operational activation of EBS. Of the 172 AM and FM radio stations listed in the Massachusetts EBS Operational Plan, fourteen are classified as non-EBS. Nine of the fourteen non-EBS stations are low power educational stations with very limited coverage.

6. Contrary to the Affidavit of John F. Bassott, paragraph 3, certain EBS equipment was provided by NHY to WCGY/WCCM. This equipment which monitors WROR (the states originating primary relay station) was provided to enhance the capability of WCGY/WCCM in accordance with the Massachusetts EBS Operational Plan. This equipment was delivered to WCGY/WCCM in November of 1988. A delivery receipt for the equipment signed by Mr. Joe Sousie, at the time station engineer for WCGY/WCCM, is attached as "B". Additionally, at this time, NHY offered installation assistance for this package to WCGY/WCCM which was turned down.

7. Relative to the commitments NHY made to WCGY/WCCM, I did provide assurances to Doug Rowe during several telephone calls he placed to me during 1988. The assurances I provided Mr. Rowe related solely to the equipment for WCGY/WCCM and not the remaining stations in the Merrimac Valley Operational Area.

8. The Allcomm Inc. letter, dated November 14, 1988, to Mr. Rowe was provided to him for his use in discussing the EBS equipment packages designed by me with broadcasters in other areas of the Commonwealth aside from the Merrimac Valley Operational Area. It was not provided for any purpose related to the SPMC or Seabrook Station.

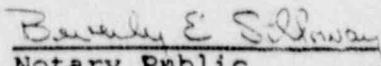


Gary J. Catapano

November 14, 1989

The above-subscribed Gary J. Catapano appeared before me and made oath that he had read the foregoing affidavit and that the statements set forth therein are true to the best of his knowledge.

Before me,



Notary Public
My Commission Expires: 3/6/90

posing a threat to the safety of life or property.

§ 73.912 NIAC order.

This is a service order previously filed with participating communications common carriers providing for program origination reconfiguration of the major Radio and Television Networks voluntarily participating in the National level EBS. Participating networks are:

- (a) American Broadcasting Company (ABC and ABC-TV).
- (b) Columbia Broadcasting System (CBS and CBS-TV).
- (c) Intermountain Network (IMN).
- (d) Mutual Broadcasting System (MBS).
- (e) National Broadcasting Company (NBC and NBC-TV).
- (f) National Public Radio (NPR).
- (g) Public Broadcasting Service (PBS).
- (h) United Press International Audio (UPI-Audio).

NIAC Orders must meet White House requirements and will be activated only in accordance with the FCC Rules and Regulations.

§ 73.913 Emergency Broadcast System Authorization.

(a) This authorization is issued by the FCC to licensees of broadcast stations to permit operation on a voluntary, organized basis during a National emergency consistent with the provisions of this subpart of the rules and regulations. This authorization will remain in effect during the period of the initial license and subsequent renewals unless returned by the holder or suspended, modified or withdrawn by the Commission.

(b) An EBS Authorization is not required in order to participate on a voluntary, organized basis in State and Operational (Local) Area Emergency Broadcast System operations as set forth in § 73.635.

(c) Any non-participating broadcast station may request an EBS authorization by making such request via informal letter to the FCC in Washington, D.C. 20554.

141 FR 52632, Nov. 30, 1976, as amended at 44 FR 30485, July 2, 1979

§ 73.914 Primary Station (Primary).

A Primary Station broadcasts or re-broadcasts a common emergency program for the duration of the activation of the EBS at the National, State, or Operational (Local) Area Level. The EBS transmissions of such stations are intended for direct public reception as well as inter-station programming.

§ 73.915 Primary Relay Station (Pri Relay).

A Primary Relay Station (an integral part of the State Relay Network) is a broadcast station responsible for the relay of National level and State level common emergency programming into the Operational (Local) Area levels.

§ 73.916 Common Program Control Station (CPCS).

This is a primary station in an Operational (Local) Area which preferably has special communication links with appropriate authorities (e.g., National Weather Service, Civil Defense, local or State government authorities, etc.) as specified in the State EBS Operational Plan. A Primary CPCS Station is responsible for coordinating the carriage of a common emergency program for its area. If it is unable to carry out this function, other Primary Stations in the Operational (Local) Area will be assigned the responsibility as indicated in the State EBS Operational Plan.

§ 73.917 Originating Primary Relay Station (Orig Pri Relay).

An Originating Primary Relay Station is a station as defined in § 73.915 that acts as the originating station source of a common program from the State capital or State emergency operating center for the State Relay Network, and may be programmed directly by the Governor or a designated representative.

§ 73.918 Non-participating Station (Non-EBS).

This is a broadcast station which has elected not to participate in the National level EBS and does not hold an EBS authorization. Upon activation of the EBS at the National level such stations are required to remove their car-

riers from the air and monitor for the Emergency Action Termination in accordance with the instructions in the EBS Checklist for Non-Participating Stations.

§ 73.919 State Relay Network.

A State Relay Network is a relay network, composed of Primary Relay Stations and leased common carrier communications facilities and any other available communication facilities, for disseminating statewide emergency programming originated by the Governor or a designated representative.

§ 73.920 Operational (Local) Area.

This is a geographical area which encompasses a number of contiguous communities as shown in the State EBS Operational Plan.

§ 73.921 State Emergency Broadcast System Operational Plan.

This plan contains the necessary guidance for the voluntary coordination between appropriate authorities (e.g. National Weather Service, Civil Defense, local or State government, etc.) and the broadcast industry to communicate with the general public during a State or local emergency situation. Additional procedural guides, BOP's and other implementing instructions should be developed at the State and local levels to insure effective operation of the EBS at the State and Operational (Local) Area levels.

§ 73.922 Emergency Broadcast System programming priorities.

(a) Program priorities for EBS are as follows:

- Priority One—Presidential Messages
- Priority Two—Operational (Local) Area Programming
- Priority Three—State Programming
- Priority Four—National Programming and News

(b) Participating stations that remain on the air during a National emergency situation must carry Presidential Messages "live" at the time of transmission. Activation of the National level EBS will preempt operation of the Operational (Local) Area or State level EBS.

(c) During a National emergency the Radio and Television (aural) Broadcast Network program distribution facilities shall be reserved exclusively for distribution of Presidential Messages and National Programming and News. National Programming and News which is not broadcast at the time of original transmission shall be recorded locally by the CPCS for broadcast at the earliest opportunity consistent with Operational (Local) Area requirements.

PARTICIPATION

§ 73.926 Participation in the Emergency Broadcast System.

(a) The FCC will send to new licensees an EBS authorization and a letter requesting their voluntary participation in the EBS. Stations are requested to accept or decline this authorization within 30 days of receipt. Should the request be declined, the EBS Authorization should be returned to FCC. In either event, an appropriate EBS Checklist and EBS station designation will be forwarded to the station manager.

(b) Any existing licensee who is not already a participant and desires to participate voluntarily in the National level EBS must submit a written request to FCC. The FCC may then issue an EBS Authorization.

(c) Any station may withdraw from EBS participation by giving 30 days written notice and by returning its EBS Authorization to the FCC.

(d) Any station that is denied participation in the National level EBS for any reason may apply to the Commission for review of the staff denial in accordance with § 1.116 of this chapter.

(e) Any AM, FM, or TV broadcast station licensee may, at the discretion of management, voluntarily participate in the State level and Operational (Local) Area level EBS in accordance with the provisions of the State EBS Operational Plan. An EBS Authorization is not required.

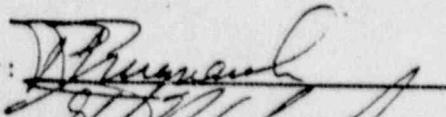
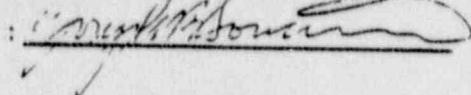
§ 73.927 Participation by communications common carriers.

(a) Communications common carriers which have facilities available in

ALLCOMM Inc. Pickup/Delivery Receipt

Qty.	Description
1	NaKamichi Cassette deck Model # MR-2 S/N- 02067
1	TFT EBS Encoder/Decoder/Receiver. S/N- 1020372
1	Cataplunk EBS interface unit. S/N- 201
5	EBS Strobe

Instructions:
 Deliver to WCGY/WCCM radio station.

Authorized by:  Date: 11/2/88
 Issued to:  Date: 11/2/88
 Delivered to:  Date: 11/2/88