

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Improving Wireless Emergency Alerts and) PS Docket No. 15-91
Community-Initiated Alerting)

**COMMENTS OF THE PUBLIC BROADCASTING SERVICE,
ASSOCIATION OF PUBLIC TELEVISION STATIONS, AND
CORPORATION FOR PUBLIC BROADCASTING**

The Public Broadcasting Service (“PBS”),¹ Association of Public Television Stations (“APTS”),² and Corporation for Public Broadcasting (“CPB”)³ (collectively, “PTV”) support the Commission’s goal of continuing to improve the usefulness and reliability of Wireless Emergency Alerts (“WEA”).⁴ In furtherance of this shared goal, PTV and its member stations have taken important steps, on a voluntary basis, to monitor and continuously test the redundant back-up path provided for commercial mobile service providers to receive geo-targeted alerts. Specifically, PBS has designed the Warning, Alert, and Response Network (“WARN”) system for the distribution of WEA messages by public television broadcasters to be “always on,” which

¹ PBS, with its 350 member stations, offers all Americans the opportunity to explore new ideas and new worlds through television and online content. Each month, PBS reaches more than 103 million people through television and over 33 million people online, inviting them to experience the worlds of science, history, nature, and public affairs; to hear diverse viewpoints; and to take front row seats to world-class drama and performances.

² APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation’s CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound noncommercial television service for the American public.

³ CPB is a private, non-profit corporation created and authorized by the Public Broadcasting Act of 1967 to facilitate and promote a national system of public telecommunications. Pursuant to its authority, CPB has provided millions of dollars in grant monies for support and development of public broadcasting stations and programming.

⁴ *In the Matter of Improving Wireless Emergency Alerts and Community-Initiated Alerting*, Notice of Proposed Rulemaking, FCC 15-154, PS Docket No. 15-91 (rel. Nov. 19, 2015) [hereinafter “WEA Notice”].

permits PBS to transmit a short “heartbeat” signal through the WARN tunnel every 30 seconds. Multiple points throughout the system are monitored to detect this “heartbeat” signal, including (a) in the primary and backup transmission equipment, (b) in a model station configuration site at PBS’s network operations center, and (c) at local member stations throughout the country. Any anomalies in this autonomous, continuous monitoring mechanism trigger an alarm, and appropriate PBS engineering personnel are promptly notified (typically within five minutes) so that any corresponding issues can be quickly identified and remedied. In addition to this “heartbeat” signal monitoring, PBS also monitors inbound connectivity from the Department of Homeland Security and the Federal Emergency Management Agency datacenter at least once every two minutes. Failure of inbound connectivity immediately notifies appropriate PBS engineering personnel (typically within 60 seconds). These built-in testing and monitoring capabilities provide sufficient assurances that the redundant back-up system provided by PTV and its member stations remains reliably operational and properly functioning.

Imposing any additional WEA testing obligations on noncommercial educational (“NCE”) and public broadcast television stations remains just as infeasible, costly, and ineffective as it was eight years ago when the Commission last considered this same issue. The provision of WEA alerts by PTV and member stations continues to be limited to the “passive, automatic relay of the messages.”⁵ This is because the WARN system accepts WEA messages at a central gateway, and beyond that point the system is essentially a passive, blind pipe. Given the fact that NCE and public broadcast television stations cannot “verify the content or

⁵ Comments of the Association of Public Television Stations, *In the Matter of the Commercial Mobile Alert System*, PS Docket No. 07-287, at 1 (filed Sept. 15, 2008).

transmission of the messages,”⁶ they generally are incapable of providing more active testing. Even if additional testing and monitoring were possible, these measures would be unduly expensive. Due to the limited market size and unique nature of equipment used within the PBS WARN system, most equipment within the system was custom designed by vendors under contract with PBS. Although self-testing capabilities were incorporated into this equipment where possible and practical as described above, this equipment has little to no message analysis functionality. PTV is not aware of any affordable, off-the-shelf testing equipment available in the marketplace that could perform in-depth examination of messages within the WARN tunnel.⁷ Consequently, imposing new WEA testing obligations on NCE and public broadcast television stations would produce minimal incremental benefit over the testing and monitoring that PTV and its member stations already provide, while at the same time would inflict significant—and unnecessary—costs on the nation’s already resource-constrained public television system.⁸

Consistent with the Commission’s limited statutory authority under the WARN Act, any new monitoring and testing conducted by NCE and public broadcast television stations would need to remain voluntary, at least absent additional funding from the U.S. Department of Commerce. The text of the WARN Act is explicit that the Commission’s authority to

⁶ *Id.*

⁷ For similar reasons, PTV would be concerned by any changes in the length or format of WEA messages that NCE stations are required to pass through if such changes would materially increase the bandwidth required to pass through these messages. Almost all PTV stations have already procured and installed their custom-designed WARN equipment, which provides a fixed maximum capacity for WEA messages based on the Commission’s WEA requirements in force at the time stations obtained their equipment.

⁸ WEA Notice at ¶ 74–75.

promulgate rules is limited to four specific areas.⁹ Only one of these provisions — Section 602(c) of the WARN Act — authorizes the Commission to impose obligations on NCE and public broadcast television stations:

(c) Digital Television Transmission Towers Retransmission Capability.—Within 90 days after the date on which the Commission adopts relevant technical standards based on recommendations of the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 603(a), the Commission shall complete a proceeding to require licensees and permittees of noncommercial educational broadcast stations or public broadcast stations (as those terms are defined in section 397(6)) to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the distribution of geographically targeted alerts by commercial mobile service providers that have elected to transmit emergency alerts under this section.¹⁰

Congress specifically addressed this equipment *installation* requirement separate and apart from the independent *testing* obligation in Section 602(f), which is expressly limited to “testing for commercial mobile service providers” and “for the devices and equipment used by such providers.”¹¹ Accordingly, applying the testing requirements to NCEs and public broadcast television stations and their devices and equipment would be an expansive interpretation in tension with the plain statutory text limiting such testing requirements to commercial mobile service providers and those providers’ own equipment.

Moreover, the statutory text is clear that, to the extent NCEs and public broadcast television stations incur costs in connection with their WARN Act compliance, they are to be reimbursed by the U.S. Department of Commerce for any reasonable expenditures made.

⁹ See Warning, Alert, and Response Network Act, Pub. L. 109-347, Title VI, § 601(d) (“The Federal Communications Commission may enforce compliance with this title but shall have no rulemaking authority under this title, except as provided in subsections (a), (b), (c), and (f).”).

¹⁰ *Id.* § 602(c).

¹¹ *Id.* § 602(f).

Section 606(b) of the Act states that the “Assistant Secretary of Commerce for Communications and Information shall compensate any such broadcast station licensee or permittee for reasonable costs incurred in complying with the requirements imposed pursuant to section 602(c) from funds made available under this section.”¹² This reimbursement is appropriate given that NCEs and public broadcast television stations provide a critical public service, are financially constrained, and are mandated to participate in the distribution of WEAs (whereas participation by commercial mobile service providers is voluntary).

In conclusion, imposing additional obligations on NCE and public broadcast television stations would involve significant compliance costs, and these expenditures (to the extent they are reasonable) are subject to reimbursement under Section 606(b) of the WARN Act. Further, as noted above, any new testing or monitoring requirements adopted by the Commission would be directly in tension with the statute’s plain language, absent the provision of additional funding to cover the resulting costs.

PTV looks forward to working with the Commission to continue improving the usefulness and reliability of the WEA system. PTV and its member stations already have undertaken significant voluntary efforts to effectively monitor and test the health of the WARN system, and we will continue to evaluate any and all opportunities for further improving these mechanisms.

¹² *Id.* § 606(b); *see also* The Commercial Mobile Alert System, PS Docket No. 07-287, *Second Report and Order and Further Notice of Proposed Rulemaking*, 23 FCC Rcd 10765, ¶ 15 (2008).

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