

21 May 2016

Marlene H. Dortch, Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

In the Matter of: PS Docket No. 15-94
Notice of Proposed Rulemaking “FCC 16-5”

COMMENTS OF GARY E. TIMM, AN INDIVIDUAL

The following Comments are in response to the FCC request for comment regarding proposed rules to revise the FCC Part 11 rules governing the EAS.

Although the filer of these Comments serves on a number of EAS-related committees, such as Broadcast Chair of the Wisconsin SECC, the Comments below are strictly those of the filer as an individual and do not necessarily represent the views of any committee or organization with which the filer is associated.

Overview: Acknowledging that I am not an expert in cybersecurity or software-defined network design, I will limit my comments to topics related to the SECC, State EAS Plans, and State and local alerting.

Comments requested in NPRM:

Para. 15 to 22: EAS Designations

SR Designation Should Not Be Eliminated: The Commission proposes to amend §11.18 to eliminate the State Relay (SR) designation. The SR designation should not be eliminated; it is used extensively in the Wisconsin State EAS Plan and likely many

others. Para. 16 states that some State EAS Plans do not use the SR designation, but this is hardly a reason to eliminate the SR designation which is likely in more Plans than not.

FCC's "Relay Station" should instead be Local Relay: In place of State Relay in §11.18(d), FCC proposes substituting Relay Station (RS). The Commission has actually proposed two conflicting definitions for this RS designation. Proposed rule §11.18(d) states, "A Relay Station (RS) retransmits EAS messages... to Local Primary (LP) sources for distribution to Participating National sources..." However, Para. 17 states, "In cases where geography or other reasons necessitate another layer of monitoring and retransmission between LP and PN levels, we propose that such stations be designated in State EAS Plans as Relay Stations." Thus the proposed rule states that the RS sends messages to the LP, but Para. 17 discussion states the RS relays messages from the LP. My presumption is that the FCC intends to propose the latter, that the RS is a relay from the LP to the PN. My presumption is that the proposed rule is then actually misstated since as written it describes the current role of the State Relay (SR) which is the source feeding alerts to the LP, and simply renaming the SR to RS would carry no benefit and create unnecessary paperwork for the SECCs in revising Plans. If the FCC intends to identify an EAS source designation between the LP and PN levels, rather than RS, that designation should be Local Relay (LR) source. This would follow the FCC-established naming convention already in place. That is: NP feeds SP feeds SR feeds LP feeds LR feeds PN. So Primaries always feed Relays (where needed). This also eliminates the FCC-proposed Relay Station use of the word "station", which should not be used in an EAS designation as it may not necessarily be a broadcast station.

So in summary, keep State Relay (SR) in the rules with its current definition in §11.18(d), and if the Commission feels it is needed, add Local Relay (LR) as a relay source between the LP and PN levels.

PEP is not the sole NP: Proposed rule §11.18(b) states, "A National Primary (NP) is the entity tasked with the primary responsibility of delivering the Presidential alert to a state's EAS Participants. Thus, for a state that has a FEMA-designated PEP, that station

would be designated as that state's National Primary. For a state that does not have a PEP, another station would act as National Primary." This statement presumes there is one PEP station that covers the entire state, which is not true in most cases, and it presumes the state uses only one NP source. Also the last sentence should say "source" rather than "station". Suggested rewrite with changes underlined, "A National Primary (NP) is an entity tasked with the primary responsibility of delivering the Presidential alert to a state's EAS Participants. Thus, for a state that has a FEMA-designated PEP, that station would be designated as a National Primary in that state. For a state that does not have a PEP, another source would act as a National Primary. For redundancy, states should have two NP sources if possible." Wisconsin utilizes more than one NP source for redundancy purposes, and likely many other states do as well. The FCC has pointed out elsewhere in this NPRM its concern over single points of failure, so States should be encouraged in the rule above to maintain more than one NP source if possible.

SP is not Necessarily a Broadcaster: Proposed rule §11.18(c) starts with, "A State Primary (SP) is a broadcaster tasked with initiating the delivery of a state EAS alert will be a State Primary." The word "broadcaster" should be "source", and the sentence ends redundantly. Suggested rewrite, "A State Primary (SP) is a source tasked with initiating the delivery of a state EAS alert. ~~will be a State Primary.~~" Also, the last sentence of this proposed rule states, "A State Primary and a National Primary may be the same broadcaster..." It should say "source", and perhaps add "or entity". Suggested rewrite, "A State Primary and a National Primary may be the same source or entity..."

Retain SR Designation here: For proposed rule §11.18(d), as noted above, the State Relay (SR) should be retained here with its current definition. If FCC feels a designation is needed between the LP and PN levels, that designation should be Local Relay (LR) and should be defined as §11.18(f), placing it after the LP definition and moving PN to §11.18(g).

LP may not be the Monitoring Assignment: Proposed rule §11.18(e) starts out stating, "A Local Primary (LP) serves as a monitoring assignment for a Participating National (PN)

entity.” If the FCC creates the LR source to relay messages from the LP to the PN, then that LR would be the monitoring assignment, so this statement in §11.18(e) becomes not always true. Also, the last sentence of this rule ends with, “...are to be monitored by other broadcast stations in the Local Area.” This should say “EAS Participants” rather than “broadcast stations”. Suggested rewrite, “...are to be monitored by other EAS Participants in the Local Area.”

PEP is a type of NP, and Current EAS Designations are Adequate: Para. 19 asks about the distinction between PEP and NP, and if some current designations are extraneous. A PEP source is a type of legacy EAS NP source, but conceivably IPAWS could be considered a CAP NP source, so PEP and NP are still both valid terms to retain. As to the second question, the current set of EAS designations are adequate and don’t need addition or elimination of terms. The current definitions represent a well-known architecture convention that the FCC established long ago and still works: NP feeds SP feeds SR feeds LP feeds PN. Although not all states use all of these designations, the designations are understood and used where needed in each state’s EAS network.

No Additional EAS Designations Needed, and PN can stay PN: Para. 20 asks about the need for additional EAS designations. The suggested designations such as State Amber Alert Primary are not needed. There is also a question whether PN should be retained now that NN has been dropped. Although this designation could be changed to something like Local Source (LS), or PN could be redefined to mean Public Notification source, any changes to PN as Participating National would require wholesale changes to State EAS Plans, which may not be worth the time spent by every SECC. PN can stay as is for simplicity sake.

No Vernacular Needed: Para. 21 seeks comment on a uniform vernacular. It would seem that the current set of EAS designation definitions is the vernacular, so it is unclear what else is needed. One tact the FCC should not try to pursue is forcing all states to follow one architecture end to end, such as following the FCC-established convention of NP-SP-SR-LP-PN. While this is a good framework, the FCC should not try to force uniformity

by requiring states use all designations and paths in this convention. As CSRIC has said, there is no one size fits all.

No EAS Participant Designations are Needed: Para. 22 seeks comment if additional EAS designations are needed for the variety of different EAS Participant types. EAS Designations identify the role of an EAS Participant in the State EAS Network, not the type of EAS Participant (broadcast, cable, satellite, etc.), so no additional EAS designations are needed for this purpose.

Para. 23 to 31: State EAS Plan Filing Interface (SEPMI)

In reading through this section, it seems more appropriate to comment on the overall concept of SEPMI rather than commenting paragraph by paragraph, although paragraph references are included where applicable.

The following concept is very important to understand in reading my comments...

There Are Two Separate Templates Being Proposed by the FCC in the NPRM: The FCC EAS office has two main missions when it comes to oversight of the State EAS Plans:

- 1) Confirming that each State has an adequate network to relay the Presidential Alert to all EAS Participants in the State.
- 2) Confirming that the submitted State EAS Plan is in accordance with national plans, FCC regulations, and EAS operation in order to approve the Plan.

In this NPRM, the FCC proposes two online SEPMI templates that would improve the FCC's ability to carry out the two missions above:

- 1) **First**, the FCC proposes adoption of the single-page Monitoring Assignment Matrix template recommended by CSRIC IV in Figure 2 of its report. (This addresses simplifying FCC State EAS Plan oversight Mission #1 above.)
- 2) **Second**, FCC proposes its own multi-page State EAS Plan template that would make all State EAS Plans uniform. (This addresses simplifying FCC State EAS Plan oversight Mission #2 above.)

I will address these as two separate templates in my comments, although at times it appears the FCC may envision them together as a single “SEPMI template”. I would submit that these are two separate template concepts (a single-page CSRIC matrix / and / the FCC’s extensive multi-page template that would address the entire State EAS Plan cover-to-cover – as I understand it), thus I treat them as two separate templates in all my discussion below.

The CSRIC-Recommended Template should be Adopted: The FCC proposes modeling the first template on the State EAS Plan Monitoring Assignment Matrix shown as Figure 2 in the CSRIC IV report. As the FCC suggests, this CSRIC Matrix could be merged with the monitoring assignment data collected by ETRS, in order to create each state’s FCC Mapbook; this is a valid idea that should be pursued. The time required for SECCs to fill out this single-page CSRIC Matrix would be minimal, and if the Facility ID of any Monitoring Assignment stations were listed along with the call letters, the FCC databases could keep this matrix updated with call letter changes. Note that individual PN stations are not listed in the CSRIC matrix as the FCC alluded to in the NPRM, but those individual stations would be listed in the ETRS and thus FCC databases could be utilized to save time by automatically updating the ETRS data. Thus with both the CSRIC matrix and the ETRS both being updated, the resultant FCC Mapbook would remain up to date. This new CSRIC matrix template along with the data found in ETRS will then give the Commission the needed information to efficiently accomplish the task of confirming that each State has an adequate network to relay the Presidential Alert to all EAS Participants in the State (the FCC EAS Plan Mission #1 that I stated above). If the FCC finds it useful, I would also support use of the EAN Message Flow Chart shown as Figure 1 in the CSRIC IV report.

The FCC-Proposed State EAS Plan Template is Impractical: However, in Para. 28 the FCC then proposes taking the template concept a step beyond CSRIC’s recommendation by suggesting the implementation of “a standardized template for State EAS Plans”. While standardized State EAS Plans would undoubtedly aid the FCC in evaluating and approving Plans (the FCC EAS Plan Mission #2 that I stated above), this FCC proposal is

troublesome on a number of fronts. First, the FCC itself cites in this NPRM that CSRIC stated, “There is no one-size-fits-all framework” regarding State EAS Plans. It would be most impractical to envision designing a “template” to replace the 50-page-on-average full State EAS Plan documents. Secondly, the NPRM CSRIC quote continues, “SECCs have limited time resources to write State EAS Plans.” The CSRIC IV report cites other issues such as SECCs may “have already (recently) rewritten their Plans”, and that SECCs may need to “attract one or more key stakeholders for Plan writing”. The FCC asks in Para. 28, “What resource limitations do SECCs encounter that potentially challenge their ability to produce standardized State EAS Plans?” As CSRIC has stated, the overall issue is a matter of these all-volunteer SECCs having the time to completely rewrite their State EAS Plan into a new standardized format. Nearly all SECC volunteers accomplish State EAS tasks in their personal “spare time”, not on any employer’s clock, and more so these days than ever. SECCs converting their Plan into a standardized format would be a monumental task, and would likely meet with resistance by many SECCs not only regarding the time involved, but over the items they would be forced to add or drop from their current Plan to adhere to the FCC’s template. The FCC requiring that SECCs rewrite their State EAS Plans into a standardized template is neither practical nor advisable.

New FCC Multilingual Survey Mandate Imposed on SECCs is a Lose/Lose Proposition:

In considering the State EAS Plan template proposed in this NPRM, the Commission needs to be mindful of the increasing mandates that it puts on its all-volunteer SECCs. The FCC has already placed an ill-advised mandate on SECCs in its 3/30/16 Multilingual EAS Order, requiring SECC collection, aggregation, and reporting of multilingual-EAS-use data into the State EAS Plan, from every EAS Participant in the State. Not only was this rule imposed without any SECC input, but also without the usual NPRM opportunity for Comments before it was enacted into section §11.21 of the EAS rules. There is a great danger in this multilingual data-collection rulemaking of sacrificing EAS stakeholder relationships; the FCC creates animosity with its SECCs by forcing these time-constrained volunteers to do this survey work, and the SECCs will create animosity with their state EAS Participants by bullying them to answer this survey under threat of

FCC rule violation – this multilingual rulemaking is a clear lose/lose proposition. EAS Participants could view the very question of their multilingual use as threatening, perceiving that stated inaction could lead to FCC regulation. And the SECCs would then be seen by the EAS Participants as complicit in whatever action the FCC takes, which is scary since none of us knows the FCC’s ultimate motivation for this multilingual survey. To further toxify relationships, the FCC has made the SECCs the policeman here – what are SECCs to do about unresponsive EAS Participants, turn them in to the FCC for a notice of violation fine? And for that matter, what will the FCC do about unresponsive SECCs? This multilingual rulemaking is a lose/lose proposition for the SECCs and the Commission on all fronts, and this new rule should be repealed for the reasons I detail above. The answer: This EAS Participant multilingual information could be easily garnered if the FCC simply asked these questions on its ETRS form, a more efficient and thorough methodology, with faster results – and this would totally avoid the SECC burden and the potential animosity created. This multilingual data-collection mandate on SECCs is unnecessary, unreasonable, and fraught with risks that endanger EAS stakeholder relationships that the FCC should not continue to gamble on – the new multilingual rulemaking placing a data-collection mandate on SECCs should be repealed.

FCC-Proposed State EAS Plan Template is a Daunting Task: The FCC would be wise to not overburden SECCs with more time-consuming, unfunded mandates like its State EAS Plan template proposed in this NPRM, which could lead to SECC member “retirements” rather than facing mandatory compliance with the daunting task of rewriting the State EAS Plan. Mandating that voluntary SECC members take on a daunting task is akin to the FCC mandating that the cellular carriers who voluntarily participate in WEA complete a similarly daunting task. The FCC has tread very lightly with the carriers so as not to dissuade them from participating in WEA; the FCC should likewise tread lightly with their voluntary SECC members.

FCC-Proposed State EAS Plan Template not Supported by CSRIC; SECC Time Invested not Justified: The FCC proposal for this State EAS Plan standardized template may have been influenced by the comment in Para. 25, “CSRIC IV observes that State EAS Plans

are inconsistent in both structure and content, and this lack of consistency makes it difficult for the FCC to determine if a proper distribution network exists for distribution of the Presidential Alert in each state.” However, a distinction needs to be made between content of the entire State EAS Plan vs. the ability to assess the State’s EAN distribution network – these are two separate issues, as I noted above. And CSRIC does indeed make that distinction – in the Executive Summary of its report, CSRIC IV clarifies that it merely suggests “creating certain uniform EAS plan elements”, which solely regard EAN distribution, recommending a “federally managed EAS monitoring assignments database”; it is clear that CSRIC IV was not suggesting a template to impose uniformity on the entire State EAS Plan, and indeed CSRIC’s recommended template addresses only monitoring assignments and was clearly not intended to replace the full State EAS Plan document. In addition, that original statement by CSRIC IV was made in a March 2014 report, over a year before the FCC EAS Sixth R&O in June 2015 established the ETRS for collecting monitoring assignment data. The FCC itself has already demonstrated in this NPRM that combining the ETRS data with the proposed CSRIC IV single-page matrix template would adequately address CSRIC’s concern that the FCC have a reliable mechanism to evaluate a state’s EAN distribution network. This main concern of both CSRIC and the Commission can thus be accomplished without mandating a full State EAS Plan standardized template. While a standardized State EAS Plan template would undoubtedly aid the Commission in accomplishing its second mission of evaluating and approving Plans, the thousands of hours that would need to be expended by all 50+ SECCs to rewrite their Plans would far outweigh the resulting amount of time that would be saved at the FCC when reviewing and approving these Plans. Therefore, the imposition of a State EAS Plan template on SECCs is not a justified use of their limited time availability.

Summary of My Comments on Templates: To summarize, I am in favor of the FCC requiring SECCs to complete the CSRIC single-table matrix of state monitoring assignments shown as Figure 2 in the CSRIC IV report, and the FCC then combining that matrix with the ETRS data to form the FCC Mapbook for each state, which would be pre-populated and updated regularly with data from FCC databases. I am also in favor of the

FCC requiring SECCs to complete the CSRIC single-page EAS Message Flow Chart shown as Figure 1 in the CSRIC IV report, if the FCC considers that of value. However, I am not in favor of the FCC instituting a standardized template that the entire State EAS Plan content must conform to.

In the end, just implementing the CSRIC matrix template on its own will offer the Commission the most important relief, the ability to accurately and reliably demonstrate to other federal agencies and Congress that the state distribution networks would adequately disseminate the President's EAS message if required – fulfilling the FCC's primary State EAS Plan oversight mission. While it would be desirable to also ease the Commission's secondary mission, that of evaluating and approving State EAS Plan content, the adoption of the CSRIC matrix template would be a good start on the road to simplifying the FCC's two State EAS Plan oversight missions. Perhaps if the NAC is reestablished, easing this second mission could be a study assigned to the new NAC.

Some further comments on SEPFIs and templates:

There may be No Need for SEPFI: If the FCC does indeed implement only the single-table CSRIC matrix, but not the FCC-proposed full State EAS Plan template, it would be much simpler for SECCs to simply fill out and email that single-page matrix to the FCC rather than the FCC setting up a public-facing portal such as SEPFI just for filling out one table by each state. This is reinforced when one reads the FCC concerns over security and protecting sensitive data in Para. 30 and 31. Why go through the FCC expense of building this portal, the ongoing task of maintaining login credentials, and having the site vulnerable to security risks on the Internet if the only function is to input data into a monitoring assignment matrix where the data rarely changes? The FCC could accept the completed matrix forms from the SECCs via email and just input the data into a safe internal FCC database, which would then keep the data accurate with updates from other FCC databases.

What the SECCs might be interested in seeing is the resultant FCC Mapbook after the ETRS and CSRIC matrix data are merged, but even that could just be emailed out to SECCs that have an interest without standing up an entire web portal for that purpose.

A State EAS Plan Database May Not be Needed: In addition, I am proposing that if the FCC does not mandate a full State EAS Plan template, then there is no value to SECCs submitting their Plans in an online FCC portal. State EAS Plans should remain posted on individual State websites as they are now, with any Plan updates emailed to the FCC as is currently done. This would be the least disruptive path for the all-volunteer SECCs. Instituting an FCC State EAS Plan database could cause complications for SECCs. Note that EAS Participant access to some online State EAS Plans currently requires a login. Also, having the Plan on both the State site and an FCC portal would complicate keeping both copies of the Plan updated. There appears to be no benefit to online submission of State EAS Plans if they all remain as uniquely-formatted Word documents, which the FCC needs to approve before making them available to EAS Participants anyway.

My Suggested Template Name: If the SEPFI portal is not launched and the FCC implements the CSRIC template as a required stand-alone document or as an appendix to the State EAS Plan, an acceptable name for that template would be the State Monitoring Assignment Matrix (SMAM).

Matrix Template Should Replace State EAS Plan “Data Table”: It would appear that an FCC “SMAM” template modeled on the CSRIC IV example would replace the “data table, in computer readable form, clearly showing monitoring assignments and the specific primary and backup path for EAN messages that are formatted in the EAS Protocol, from the PEP to each station in the plan” now required to be in all State EAS Plans in rule §11.21(a). Once the CSRIC “SMAM” template is implemented and is combined with the ETRS data, it is difficult to envision what further information of use to the FCC could be included in a third collection of information in a State EAS Plan “data table”. Therefore, rule §11.21(a) should be revised to eliminate any reference to a “data table”. In my “State EAS Plan Contents” comments later, regarding FCC-proposed rule §11.21(a)(4), I note that it appears the FCC has indeed dropped the reference to “data table” – I support this change. Also, proposed rule §11.21(c) should be revised to state, “The FCC Mapbook is based on the consolidation of the State Monitoring Assignment

Matrix required in each State EAS Plan with the identifying data contained in the ETRS.”, (instead of the current language, “the data table required in each State EAS Plan”). It is presumed that there will be a separate new rule that requires States to complete the SMAM template as part of the State EAS Plan submission process. I suggest in my “State EAS Plan Contents” comments later, that FCC-proposed rule §11.21(a)(4) would be the appropriate place for that requirement. The FCC could require the SMAM template to appear as an appendix to each State EAS Plan, but the data might be easier to access if the SMAM template were a stand-alone document.

Note that the list of recommendations in the CSRIC IV report calls for the elimination of the FCC Mapbook in the EAS rules, stating “The Mapbook is no longer necessary as a mandated element of plan submission if the Commission follows the recommendations of our report and a federal EAS monitoring assignment database is established.” I believe my proposal to drop references to the “data table” in the EAS rules follows the spirit of this CSRIC IV recommendation. Since the FCC has now said that it will take responsibility for developing the FCC Mapbook through the merging of two of its databases, the now superfluous “mandated element of plan submission” as CSRIC puts it, is the “data table”. Thus, I propose that the CSRIC “SMAM” template should replace the need for a separate “data table” in State EAS Plans, and all current references to this “data table” should be eliminated from rule §11.21. If not, the FCC needs to clarify exactly what is to be included in this “data table” that will not already be found in the ETRS data, the CSRIC matrix, and the resultant FCC Mapbook. Again, see my “State EAS Plan Content” comments later regarding this topic in FCC-proposed rule §11.21(a)(4).

Design of the CSRIC-Based Matrix Template: Regarding the FCC’s question in Para. 29 on the FCC’s design of this CSRIC-based State Monitoring Assignment Matrix (SMAM), yes, the template should be based on the Washington State EAS matrix-based model recommended in the CSRIC IV report, Figure 2. However, as noted by CSRIC, the FCC should add that the Facility ID must appear on the monitoring assignments in this matrix as well as the call letters. Also, the SMAM template based on this CSRIC model should contain only each State’s sources of the EAN. CSRIC’s Washington State sample table

lists NOAA Weather Radio (NWR) sites and frequencies in the last column. Normally, NWR is not a source of the EAN so would not be listed in most States' SMAM table, but Washington State has taken the step of installing a broadcaster-type EAS encoder/decoder at all NWS offices in the state, enabling NWR to carry EANs. The FCC will thus need to make accommodation for States to include NWR or other State-specific, unique sources of the EAN in that State, while still stressing that all sources in the matrix must be a source of the EAN, which generally NWR is not. Finally, I agree with the Commission's statement in Para. 25 that this template "be designed by the Bureau in collaboration with SECCs", which will ensure that the matrix template includes flexibility to incorporate every State's unique EAN sources.

Use of Facility ID: Also in Para. 29, the FCC asks "how the (CSRIC-based) template should identify EAS Participants". The answer is, it shouldn't. EAS Participants are identified in the ETRS and in the resulting FCC Mapbook, but the CSRIC-based matrix template is only granular to the EAS Local Area and County. CSRIC's quoted recommendation to identify EAS Participants by Facility ID as well as call letters is a valid suggestion for ETRS in identifying EAS Participants, and in the CSRIC-based matrix in identifying monitoring assignment stations.

Don't Illustrate State & Local Alerts in the Template: Also in Para. 29, the FCC asks about illustrating alerts distributed via CAP, including state and local alerts. This template should not become unduly complicated by trying to address state and local alerting, which is beyond its intended mission of informing the FCC Mapbook in verifying the EAN path in the State. Regarding the question of illustrating the CAP EAN path, that is somewhat an unnecessary detail, as all EAS Participants must monitor IPAWS so will get any EAN issued via IPAWS directly to their EAS Decoder.

Using Dropdown Menus: In para. 26, the use of drop-down menus for EAS Designations would appear to be time and cost savings for use in ETRS, not the CSRIC matrix template; however, drop-down menus in general for the fields in the CSRIC-recommended matrix template, and more particularly the CSRIC flow chart representing

the State EAS Network, if used, would provide time and cost savings to the SECCs filling out the templates, as well as offer more accuracy in providing only the proper choices for a given data-entry field. And again as stated above, the FCC should consult SECCs when designing the CSRIC-based matrix template to assess and leverage any time and cost savings through the logistics of filling out the template by each State.

Presumed Cost Savings: In Para. 26 asking about cost savings, it would appear that the CSRIC-based matrix template would be additional paperwork for SECCs, so would not be seen as a cost savings. However, filling out a single-page matrix template based on the CSRIC IV example would require minimal time and would presumably be just a one-time task unless the State distribution network changes, which is a rare occurrence. The major cost savings would likely be in staff hours at the FCC in having all State distribution networks in a standardized format, easing the FCC burden of reviewing each State's EAS architecture for reliable EAN distribution.

SECC Legal Fees: Finally concerning the templates, in Para. 26, it was a bit disconcerting to see the FCC mention that there may be "legal fees that SECCs may incur in order to ensure compliance with our proposed State EAS Plan requirements." SECCs are a collection of volunteers, and these committees have no inherent funding source. The FCC should not adopt any new rule that it assesses might incur SECC legal costs. This would be a most undue burden upon these all-volunteer committees, and could lead to FCC difficulty in maintaining fully-staffed SECCs in all states.

Para. 32: Reestablishing the National Advisory Council (NAC)

FCC Should "Coordinate", Not Just "Communicate" with SECCs: The FCC should follow the recommendation in the CSRIC IV report to re-charter the NAC as "a mechanism for SECCs to coordinate with the Commission and other SECCs." I noted that in the NPRM, the FCC interpreted the CSRIC statement to say "to facilitate communication with SECCs", but in fact CSRIC used the word "coordinate", not

“communicate”. It is important to note the distinction that CSRIC recommends the FCC “coordinate” with SECCs (an active role for SECCs), rather than the FCC’s interpretation to “communicate” with SECCs (a passive role for SECCs).

NAC Advice Could Benefit the Commission: The FCC asks, “Is there a need for additional and routine communication with another organization that is not already taking place today between the Commission and the SECCs?” First, again, CSRIC is calling for FCC “coordination” with SECCs on FCC proposed changes regarding EAS, not merely “additional and routine communication” as FCC stated. Hopefully this FCC use of “communication” does not signal that FCC would consider a re-chartered NAC as just a way to “talk to” SECCs, as opposed to FCC soliciting input from the NAC, which would after all be a Federal “Advisory” Committee. Advice from a new NAC could greatly benefit the FCC, which appears to be in a very active period of EAS NPRM/R&O activity. The Commission could gain insights from an NAC prior to issuing an NPRM, and indeed prior to spending time developing out a proposal in a future EAS NPRM, if an NAC consultation could shed light on why such a proposal would or wouldn’t work in the EAS practical world. To the second half of the question, yes the FCC does currently solicit SECC input on a limited basis, but a reestablished NAC would give the Commission an enhanced opportunity to garner a wider and immediate response to any proposal the FCC is considering. Finally, throughout these comments, I note numerous items that the FCC could assign to NAC evaluation to gain further insights before acting.

NAC Advice Could Benefit the SECCs: As to the FCC asking about a future NAC “performing outreach to SECCs”, this was indeed a need identified in CSRIC’s recommendation for a re-chartered NAC as a mechanism for SECCs to coordinate with the Commission “and other SECCs.” I have personally received a call from an SECC Chair in another state who is retiring and can’t find a replacement for his position. To compound matters, he is one of those SECC Chairs who is still a “one man band”, unable to interest anyone else in his state to form a functioning full SECC. The panel of experts on an NAC could act as a great resource in situations such as this – this SECC Chair feels he has nowhere to turn for help – a reestablished NAC could be such a resource. As to

the FCC's question of whether the NAC could be charged with initial approval of State EAS Plans, this would seem a question to pose to a reestablished NAC, as to whether they are willing to make such a time commitment.

NAC Membership: Finally, the FCC-proposed NAC membership of SECC Chairs, NAB, SBE and NWS is a good start. Added to this NAC membership list should be FEMA, EAS equipment manufacturers, representatives from all EAS Participant types (broadcast, cable, satellite, and wireline/IPTV), State & Local emergency managers, and any interested active SECC members beyond just SECC Chairs.

Para. 33 to 58: State EAS Plan Contents

In my comments below, I will first deal with the Part 11 rule changes proposed in Appendix A of the NPRM, before addressing the discussions in the NPRM paragraphs related to State EAS Plan contents.

Proposed rule §11.21(a) and (a)(1): In the current rules, there is an unnumbered paragraph directly under the §11.21 header. In the FCC's NPRM proposal, the first sentence of this unnumbered paragraph is moved to a new rule §11.21(a), and the second sentence of the current unnumbered paragraph is moved to a new rule §11.21(a)(1).

There are five issues regarding these changes:

- §11.21(a) should be "The SECC develops and maintains the State EAS Plan":
The current rules do not state who is to draw up the State EAS Plan. The FCC clearly feels it is the SECC's responsibility, alluded to in this NPRM in Paragraphs 8, 21, and 37, in Footnotes 3, 24, and 79, as well as in the 1994 EAS Deployment Order. Put it in the rules! A new rule §11.21(a) should start off the §11.21 State and Local Area Plans rules with, "§11.21(a) The SECC develops and maintains the State EAS Plan". See my comments at Para. 33 regarding this issue, as well as my proposal at Para. 40 proposing an SECC section in the EAS Part 11 rules.

- SR still in this rule: The new rule §11.21(a)(1) refers to State Relay (SR) stations, which the FCC proposes elsewhere to eliminate. While I advocate for keeping the SR, and possibly adding a Local Relay (LR) source if appropriate, the FCC needs to sync this citation with the Commission’s final decision on EAS Designations.
- Use “sources” not “stations”: Also in new rule §11.21(a)(1), the last word, “stations”, should be “sources”, as any EAS Designation may represent something other than a broadcaster.
- Plans no longer need FCC approval?: In the current unnumbered paragraph under the §11.21 header, the last sentence states, “The plans must be reviewed and approved by the Chief , PSHSB, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.” It appears this sentence was not reassigned to a new rule section. Did the Commission intend to eliminate this current rule? New rule §11.21(c) does reference in its last sentence, “...a State EAS Plan submitted to the Commission...”, but there appears to be no new rule that completely describes the FCC approving Plans as in the current unnumbered rule.
- Keep State CAP description requirement: The current rule §11.21(a) includes the statement, “If a state’s emergency alert system is capable of initiating EAS messages formatted in the Common Alerting Protocol (CAP), its EAS State Plan must include specific and detailed information describing how such messages will be aggregated and distributed to EAS Participants within the state, including the monitoring requirements associated with distributing such messages.” This statement does not appear to have been assigned a new rule section. Did the Commission intend to delete this statement? This rule should be retained, as currently written, as a numbered paragraph under §11.21(a).

Proposed rules §11.21(a)(2), §11.21(a)(5), and §11.21(a)(6) – Proposed Added Elements Should be Dropped: There are certain statements within the proposed rules below in §11.21(a)(2), §11.21(a)(5), and §11.21(a)(6) that I do not agree with adding to State EAS Plan contents. In each case, I maintain that these added elements be struck, or at a minimum I request prefacing these added items with, “The Plan may optionally

include...” My request fits with the statement of Admiral Simpson at the EAS Forum in February 2016, that the statements I highlighted and objected to were proposed in the new rules as an option for States that want to address those items in their State EAS Plans. My request is also supported by the statement I highlight in my discussion of Para. 36, that the FCC proposes to “afford states considerable flexibility” and would allow states to “provide information they deem relevant” regarding these non-EAS proposed elements. Thus if they are not struck as I request, they should be prefaced with, “The Plan may optionally include...”. See my comments at Para. 36 regarding how FCC Risks EAS Integrity Nationwide if the FCC distracts the attention and dilutes the energy of SECCs away from their important mission of maintaining and improving the EAS by creating these diversions.

Proposed rule §11.21(a)(2) - Drop WEA, highway signs, social media: The new rule starts out the same as the current §11.21 (a), but then adds “using regulated alerting tools (e.g. EAS and WEA) as well as any non-regulated alerting mechanisms (e.g. highway signs and social media) including the extent to which the state’s dissemination strategy for state and local emergency alerts differs from Presidential alerting strategy.” The preceding statement on including use of WEA, highway signs and social media should be struck from this new rule, or at a minimum the new rule should be rewritten to end the same as the current rule and then add the language above as an option, like this: “...to the public during an emergency using the EAS. The Plan may optionally include using regulated alerting tools (e.g. EAS and WEA) as well as any non-regulated alerting mechanisms (e.g. highway signs and social media) including the extent to which the state’s dissemination strategy for state and local emergency alerts differs from Presidential alerting strategy.” See my comments at Para. 42 explaining that WEA, highway sign use and social media are the domain of Emergency Management Agencies.

Proposed rule §11.21(a)(3) - Drop “transmissions interrupted by the President”: It appears this rule was moved over from its previous location in 11.55(b), which is a good move to consolidate the State EAS Plan rules. However, the FCC should drop the statement it added to the end of this rule, “...whose transmissions might be interrupted by

a Presidential Alert.” I see where this is referenced in discussion Para. 39, which I will comment on later, but this statement is out of place tacked onto the end of this rule.

Proposed rule §11.21(a)(4) – Put SMAM Mandate in this Rule: The new rule states, “Monitoring assignments to receive the Presidential Alert, and the primary and backup paths for the dissemination of the Presidential Alert to all key EAS sources organized by operational areas within the state.” It would appear this replaces the current rule §11.21(a) statement, “EAS State Plans should include a data table, in computer readable form, clearly showing monitoring assignments and the specific primary and backup path for emergency action notification (EAN) messages that are formatted in the EAS Protocol (specified in §11.31), from the PEP to each station in the plan.”, which does not reappear in the new proposed rules. Three thoughts:

- I applaud the FCC for dropping the reference to the “data table”, which I concur with doing in my comments on SEPFI above.
- Put SMAM mandate in this rule: In my comments on SEPFI, I support the FCC’s proposal to adopt the CSRIC monitoring assignment matrix. I suggest the name for this matrix be the State Monitoring Assignment Matrix (SMAM). This new rule §11.21(a)(4) would seem the appropriate place to rewrite language to require that the State EAS Plan must contain a completed SMAM.
- Substitute SMAM for “data table” in 11.21(c): In new proposed rule §11.21(c), it still refers to the data table, stating “The FCC Mapbook is based on the consolidation of the data table required in each State EAS Plan with the identifying data contained in the ETRS.” As I proposed in my SEPFI comments, this sentence should be reworded to state, “The FCC Mapbook is based on the consolidation of the State Monitoring Assignment Matrix required in each State EAS Plan with the identifying data contained in the ETRS.”

Proposed rule §11.21(a)(5) - Drop RWTs, national tests and WEA tests: The new rule adds procedures to the State EAS Plan for RWTs, national tests and WEA tests, none of which seem logical to me. This new rule should be modified to strike these three references from this new rule, or at a minimum the new rule should be rewritten to make

procedures for RWTs, national tests and WEA tests optional, an option for those States, as Admiral Simpson stated, that want to add such information. Rewrite should be: “State procedures for special EAS tests and Required Monthly Tests (RMTs). The Plan may optionally include state procedures for Required Weekly Tests (RWTs) and national tests designed to ensure...” continuing as proposed. See my detailed comments at Para. 55.

Proposed rule §11.21(a)(6) – Drop this new rule on 9-1-1 feedback: The new rule solely addresses “many-to-one community feedback mechanisms, such as 9-1-1”, entirely inappropriate for a State EAS Plan. Proposed rule §11.21(a)(6) should be totally struck. If the FCC insists on including this out-of-place rule, I request that it be preceded by, “The Plan may optionally include...” See my detailed comments at Para. 53.

Proposed rule §11.21(a)(7) - This Rule is not Needed: This new rule proposes that procedures be added to the State EAS Plan for EAS Participants to authenticate State and local alert originators if the State initiates EAS messages in CAP format signed with a digital signature as specified by OASIS. The FCC should verify these details with EAS equipment manufacturers, but as I understand it, an EAS unit is programmed with a single “root key certificate” for each CAP server the EAS unit polls, and that root key is used as the means to authenticate all messages received from that CAP server. This root key authentication is part of the OASIS standard, thus there is no other way to implement authentication of CAP messages; so no “specific and detailed information” is needed in each State EAS Plan as this new rule proposes, since the procedure is dictated by the OASIS standard so is the same for all State CAP servers. Furthermore, there is no stipulation in the EAS rules regarding use of the IPAWS CAP server root key, so it would seem that no rule is needed regarding use of any State CAP server root key either – it is just a process of implementing the OASIS CAP specification. Thus, this proposed rule §11.21(a)(7) is not needed and should not be adopted.

Proposed rule §11.21(a)(8), regarding SECC governance: I feel very strongly that the FCC, rather than trying to summarize the SECC in this one paragraph, should instead add a separate SECC section to the Part 11 rules. See my comments at discussion Para. 40

regarding my proposed SECC rules section shown in Appendix 1 of these comments, which draws almost exclusively on the FCC's EAS Deployment Order referred to frequently in this NPRM.

In the absence of adopting my full SECC rules section, I suggest the following edits to the FCC's §11.21(a)(8) proposed language:

- The wording "the duties of SECCs" should be removed. SECC duties should be defined by the FCC, not the SECCs in their Plans. CSRIC IV recommended a statement on SECC responsibilities – see my comments at Para. 34.
- The word "proposed" should be removed from the phrase, "...and the proposed administration of the SECCs." It is not clear why that word would be used here.

Thus my edited §11.21(a)(8) becomes, "The SECC governance structure utilized by the state in order to organize state and local resources to ensure the efficient and effective delivery of a Presidential Alert, including the membership selection process utilized by the SECC and the administration of the SECC."

Proposed rule §11.21(b) - Local Area vs. Operational Area: The new rule is the exact same Local Area plan language as the current rule §11.21(b), which looks acceptable. Incidentally, note that this paragraph ends with the definition, "A Local Area is a geographical area of contiguous communities or counties that may include more than one state." I noticed in discussion Para. 48 that the FCC asks if a definition is needed for Operational Area. This Local Area definition is the same as Operational Area. Note that although the FCC and many SECCs often use the term "Operational Area", that term is not found anywhere in the EAS rules (it is an EBS holdover). Since the term Operational Area is used so frequently (FCC uses it in this NPRM proposed rule §11.21(a)(4), it may make sense for the FCC to restate this definition as, "A Local Area, sometimes referred to as an Operational Area, is a geographical area of contiguous communities or counties that may include more than one state." Although it would be preferable to solely use the Local Area term currently found in the EAS rules, it would create a burden for SECCs to purge the Operational Area term from State EAS Plans at this point.

Proposed rule §11.21(c) - Substitute SMAM for “data table” in this rule, drop the rest: As I state in my comments above on proposed rule §11.21 (a)(4), this proposed rule §11.21(c) should be reworded to replace the “data table” with the SMAM, to instead read: “The FCC Mapbook is based on the consolidation of the State Monitoring Assignment Matrix required in each State EAS Plan with the identifying data contained in the ETRS.”

Also, I propose that the last sentence of §11.21(c) be struck, as I state later that I do not believe that the statement “EAS Participant monitoring assignments and EAS operations must be implemented in a manner consistent with guidelines established in a State EAS Plan submitted to the Commission...” adequately replaces the language currently in §11.52(d)(1) and §11.55(b) so I feel those rules should remain as is. And the second half of this last sentence, “...in order for the Mapbook to accurately reflect actual alert distribution.” comes from a discussion in Para. 52 that I will address in that paragraph discussion, which will be remedied by the FCC implementation of the ETRS.

Proposed rule §11.31(c) change – PSID is only used by cable: The changed rule states, “LLLLLLLLL – This is the PSID identification of the EAS Participant, NWS office, etc., transmitting or retransmitting the message.” Note that PSID is only used by cable, so does not apply to broadcasters, NWS, or emergency management sources. Broadcasters could use their Facility ID, which would be a way around call letter changes, but would make EAS unit logs more difficult to troubleshoot without a conversion chart from Facility ID to call letters. And if this is intended as a security measure to use the Facility ID rather than call letters, the Facility ID of EAS Participants is easily discoverable in the FCC’s public CDBS so would not offer any assurance of added security in authenticating legacy EAS messages.

Proposed rule §11.33(a)(10) change – Matching Station ID is Questionable Security: The third sentence of the current rule states, “A header code must only be considered valid when two of the three headers match exactly.” The changed rule adds a second condition to this, “...the Station ID header code matches one of the assigned monitoring sources as specified in the state plan...” Thus, the Station ID of all monitoring assignment sources

would need to be added to the State EAS Plan for reference by EAS Participants. If the FCC does adopt this rule §11.33(a)(10) change, an appropriate action would be for the FCC to add a “Station ID” column to the CSRIC State Monitoring Assignment Matrix that the Commission is proposing to adopt. However, if identifying the Station ID of a monitored station is intended as a security measure, it should be noted that there are a number of issues here:

- Monitored stations are easily discoverable in State EAS Plans which are mostly publicly available.
- The Station IDs would likely need to be listed in the publicly available State EAS Plan for easy EAS Participant access.
- If the Facility ID is used for Station ID, it is easily discoverable on the FCC’s CDBS, even if it is not listed in the public State EAS Plan.
- If a monitoring assignment is changed, and thus the Station ID changes, all EAS Participants monitoring that assignment must reprogram their EAS units.
- If an EAS Participant receives a monitoring assignment waiver, the EAS Participant must reprogram its EAS unit.
- The added burden for EAS equipment manufacturers to add this lookup table and added validation criteria does not seem justified by the questionable security value of this proposal.
- Missed alerts due to errors in programming the Station ID code, either by the monitoring assignment station, or the EAS Participants in their EAS decoders, could result in life-threatening situations for very little gained in EAS security.

Proposed rule §11.46 - Need to State that Header Codes and Attention Signal can be used in PSAs: While discussion Para. 66 states, “We propose to amend section 11.46... to allow federal, state and local government entities to issue PSAs that use the EAS header codes and Attention Signal, provided that they are presented in a non-misleading and technically harmless manner”, the actual rule proposed in Appendix A does not include the first half of this sentence stating that the header codes and Attention Signal may be used. While there is a fleeting reference in the actual proposed rule to “using the codes and Attention Signal”, it would seem that the rule would have more clarity if it included

the statement as written in Para. 66 allowing use of the header codes and Attention Signal in PSAs.

Also, in Appendix A, section §11.46 is identified as “EAS code and Attention Signal Monitoring requirements”, which is the title of the following section, §11.52. Section §11.46 should be identified as “EAS public service announcements”.

Proposed rule §11.52(d)(1) change – Keep that monitoring assignments are in Plan:

While this new rule retains the current language, “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources.”, the new changed rule eliminates the next sentence of the current rule, “The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook.”

I took notice in discussion Para. 52 that the reason for this change is to consolidate State EAS Plan rules into §11.21. To substitute for this §11.52(d)(1) language, the FCC substitutes the §11.21(c) language, “EAS Participant monitoring assignments and EAS operations must be implemented in a manner consistent with guidelines established in a State EAS Plan...” First, the new proposed statement is not as straight forward as the existing above statement, “The monitoring assignments... are specified in the State EAS Plan.”, and the monitoring assignments are not “guidelines” as the new rule infers, they are requirements. Secondly, and most importantly, this statement that monitoring assignments are in the State EAS Plan must stay right here with the rule that EAS Participants must monitor two sources, else they will think they can monitor any two sources. Regarding the FCC’s endeavor to consolidate “State EAS Plan rules” – this is not a “State EAS Plan rule”, it is a “monitoring requirements rule”, and it should stay right here in the “EAS Participants must comply with the following monitoring requirements” section of the rules.

This rule change should not be adopted. If any change at all, the FCC should replace “broadcast station and cable system and wireless cable system” with “EAS Participant”.

Proposed rule §11.52(d)(3) elimination - Keep State CAP description requirement: The FCC proposes dropping this rule, which states, “Monitoring specifications associated

with the distribution of CAP-formatted alert messages by state alert message systems are described in the State EAS Plan, as set forth in §11.21(a).” I made note in my comments on §11.21(a) that this referenced statement has also been dropped from the current §11.21(a).

I took notice in discussion Para. 52 that the reason for this change is to consolidate State EAS Plan rules into the §11.21(c) language, “EAS Participant monitoring assignments and EAS operations must be implemented in a manner consistent with guidelines established in a State EAS Plan...” First, the new proposed statement above does not even address CAP-formatted alert messages (note that CAP is not a “monitoring assignment”) – the statement on State CAP messaging should be restored to §11.21(a) as it is currently stated. Secondly, a reference to that §11.21(a) rule should remain here in §11.52(d)(3), as this is the “EAS Participants must comply with the following monitoring requirements” section of the rules, and EAS Participants should be informed where to find CAP monitoring specifications. This rule should not be eliminated.

Proposed rule §11.54(a) changes – Drop “in the case of nationwide test” from NPT: The proposed addition of “valid” and dropping that area identifications must match those in the Plans is fine. However, the FCC may want to consider changing the wording in this and other sections of the rules that state, “...the NPT Event code in the case of a nationwide test of the EAS...”. FEMA has made it known that they intend to continue to issue Regional NPTs, not just nationwide NPTs. The Commission should remove the wording “in the case of a nationwide test of the EAS” from these citations.

Proposed rule §11.55(b) elimination – Keep that State/Local Plans must be followed:

While I agree with moving the second sentence stating “The plans must list all authorized entities...” to the §11.21 State EAS Plan section of the rules, elimination of this paragraph also drops the first sentence, “EAS operations must be conducted as specified in State and Local Area EAS Plans.” I am in favor of retaining this single sentence as rule §11.55(b).

I took notice in discussion Para. 52 that the reason for this change is to consolidate State EAS Plan rules into the §11.21(c) language, “EAS Participant monitoring assignments

and EAS operations must be implemented in a manner consistent with guidelines established in a State EAS Plan...” While it is fine to repeat that statement in §11.21(c), this rule is a “State and Local EAS operations” rule, not a “State EAS Plan rule” to be solely moved to §11.21. This “State and Local EAS operations” rule belongs here, in “§11.55 EAS Operation during a State or Local Area Emergency” section of the rules. The first sentence of this rule should not be eliminated.

While this statement is similar to statements in §11.55(c)(4) regarding EAS Protocol messages and in §11.55(d)(1) regarding CAP messages, this overarching comment in the first sentence of §11.55(b) still has value covering all EAS operation during a State or Local Area emergency and should be retained.

Proposed new rule §11.56(c) – Digital Signature rule may not be actionable: This new rule states, “EAS Participants shall configure their systems to treat as invalid all CAP-formatted EAS messages that include a digital signature that does not match an authorized source from FEMA or from a designated source as specified in the state EAS plan.” This rule does not seem actionable by EAS Participants and should likely not be adopted, although EAS equipment manufacturers should be consulted before any FCC decision.

- See my explanation at §11.21(a)(7) regarding the OASIS-based logistics of how EAS units authenticate CAP messages. It appears all messages received from a given CAP server will be authenticated and aired if the digital signature in the message matches the root key held by the EAS unit for that CAP server.
- Thus it appears that the digital signature of individual alert originators cannot be accepted or rejected based on if the alert originator is listed in the State EAS Plan. Thus the above proposed rule would not seem actionable by EAS Participants and this rule should not be adopted.
- However, there is a method to control who gains authority to issue messages on a State or local CAP server, and that is by vetting who is issued credentials to log into the CAP server vendor’s web portal to initiate CAP messages. Thus the control of authorizing alert originators is done early in the process by the State authority managing the CAP server, rather than trying to keep an accurate list of

originators in the State EAS Plan and EAS Participants authenticating the messages. Thus, EAS Participants can be guaranteed that the originator of all CAP messages received has already been authorized as a valid originator by the State authority managing the State CAP server.

- FEMA has a similar process for IPAWS originators, so EAS Participants are not involved in validating “an authorized source from FEMA” either.

Proposed rule §11.61(a)(3)(iv)(A) change – Keep update of ETRS for Plan revisions: In this paragraph regarding the ETRS, the FCC proposes to drop the requirement that EAS Participants revise their ETRS data “as required by any revision of the EAS Participant’s State EAS Plan filed pursuant to §11.21.” So if a State EAS Plan changes its EAS Monitoring Assignments, how is the FCC to verify that all affected EAS Participants have made the monitoring change if those EAS Participants are not required to make the change when the State EAS Plan is revised? Yes, the FCC databases could automatically make the change in the EAS Participant’s ETRS record, but does that guarantee that the EAS Participant has actually made the monitoring change? It would seem this statement should remain part of this rule.

Rule §11.61(a)(4): This rule is shown in the NPRM, but I did not detect any changes from the current language so it is unclear to me why it is shown in the NPRM.

Proposed new rule §11.61(a)(5), regarding Live Code Tests: Two thoughts:

- The term “Live Code Test” should be defined. Footnote 4 in the NPRM defines “live code” and could be a start to a definition.
- Double-check your phrasing in §11.61(a)(5)(ii) – the word “coordinates” should be “coordinate”.

Clarity needed on current rules §11.61(a)(3)(iv) and §11.21(a) regarding ETRS acronym:

The term ETRS is defined in §11.61(a)(3)(iv) and §11.21(a) as the EAS Test Reporting System, yet various other references such as Para. 24 in this NPRM define it as Electronic Test Reporting System. The FCC needs to clarify its chosen name for ETRS.

The following comments address the State EAS Plan Contents discussion paragraphs:

Para. 33 – Put FCC “expectations” in the rules: The FCC states here that SECCs and State EAS Plans have fallen short of the expectations in the 1994 EAS Deployment Order. If the FCC wants their “expectations” followed, put them in the rules! To that end, see my comments regarding Para. 40, where I do in fact propose an SECC section be added in Part 11 that is based almost exclusively on these very 1994 Deployment Order “expectations”, but would adopt them as actual FCC EAS Part 11 rules. This is the only effective route for the FCC if it wants these 1994 “expectations” followed by SECCs.

Para. 33 – “The SECC develops the State EAS Plan” – Put It In The Rules!: The FCC laments at the end of Para. 33 “the failure of some states to file State EAS Plans.” The current rules do not even state who is to draw up this Plan. The FCC clearly feels it is the SECC’s responsibility, alluded to in this NPRM in Paragraphs 8, 21, and 37, in Footnotes 3, 24, and 79, as well as in the 1994 EAS Deployment Order. Put it in the rules! A new rule §11.21(a) should start off the State and Local Area Plans rules with, “§11.21(a) The SECC develops and maintains the State EAS Plan”. In addition, see my proposal at Para. 40 and in Appendix 1 of these comments proposing an SECC section in the EAS Part 11 rules.

Para. 34 – Strengthening SECC Authority: CSRIC IV recommends that “the role of the SECC should be strengthened.” I agree, and notice CSRIC’s use of the word “role”. The FCC needs to be mindful of not only proposing governance for the SECCs, but also stating in the rules the SECC’s roles, responsibilities, and authority – the essence of CSRIC’s recommendation. In fact, CSRIC IV in Appendix 2 of its report, recommends the adoption of a new paragraph in §11.2 to define the SECC, and the second sentence of that definition includes a recommended summary of the SECC’s responsibilities, “Responsibilities of an SECC include but also may not be limited to planning EAS dissemination within their respective jurisdictions, developing and maintaining State EAS

Plans and monitoring assignments, informing the Chief, Public Safety and Homeland Security Bureau of the FCC, of State Plan and monitoring assignment changes, and liaison to other SECCs in other geographical areas.” Also regarding SECCs, see my proposed SECC Part 11 rules in Para. 40 and Appendix 1 of these comments.

Para. 35 – EAS is a Tool, not the Toolbox: The FCC observes how WEA, SMS- and social media-based alerts are being rapidly added to the toolbox available to each community’s alerting authority, and asks if these elements should be added to the State EAS Plan. No, they should not - EAS is one tool in the alerting authority’s toolbox – the FCC should not try to make the State EAS Plan the entire toolbox.

Para. 36 – The State EAS Plan is not a Community Alerting Toolbox: The FCC proposes “to include new elements designed to enhance the value of State EAS Plans as community alerting tools.” The State EAS Plan should not be the repository for all community alerting tools. EAS is one tool – the FCC should not try to make the State EAS Plan the entire community alerting toolbox.

Para. 35, 36, 42, 43, 45, 46, 53, 55, 57 – FCC Risks EAS Integrity Nationwide:
For the State EAS Plans and the SECCs to do their best job in managing State EAS capabilities, the State EAS Plan needs to remain focused on EAS – not WEA, not SMS, not social media, not highway sign use, not 911 community feedback. The FCC should not distract the attention and dilute the energy of SECCs away from their important mission of maintaining and improving the EAS by creating these diversions of watering down (not “enhancing the value”) of State EAS Plans by forcing these non-EAS items into the State EAS Plan; this is classic “mission creep”, and it is essential that SECCs stay focused on the task at hand – EAS. As CSRIC stated, SECC members have a very limited amount of time to devote to EAS and the State EAS Plan. The FCC trying to push these non-EAS items into the State EAS Plan will endanger the integrity of the EAS nationwide – the FCC is shooting itself in the foot. Do not put non-EAS requirements, including WEA, into State EAS Plans as a mandated distraction. SECCs need the FCC’s support in keeping State EAS Plans purely EAS.

Para. 36 – FCC Supports State EAS Plan Flexibility: The FCC proposes to “afford states considerable flexibility” concerning the aforementioned non-EAS elements it wishes to add to the State EAS Plan, allowing states to “provide information they deem relevant.” This statement supports my contention that if, against my recommendation, the FCC insists that language on these non-EAS elements be in a State EAS Plan, these elements should be preceded by the phrase, “The Plan may optionally include...”, as I proposed in my comments above on §11.21(a)(2), §11.21(a)(5), and §11.21(a)(6).

Para. 38 – FCC Should Adopt CSRIC Monitoring Assignment Matrix: The FCC “proposes that SECCs input State EAS Plan monitoring assignment data into an online template using the uniform designations for key EAS sources that we propose above.” I agree, the FCC should adopt the State EAS Plan Monitoring Assignment Matrix recommended by CSRIC IV as Figure 2 in its report, although I pointed out earlier in my SEPFI comments that the data entry may not need to be online.

Para. 39 – SECC Contacting State/Local Originators in a National Disaster is Impractical: While the EAS rule resulting from this Para. 39 discussion is acceptable, 11.21(a)(3) stating State EAS Plans should include “A list of all entities authorized to activate EAS for state and local emergency messages...”, the additional concept in this paragraph is not practical. The FCC suggests that during a national crisis, the SECC could contact these listed state and local entities to coordinate their alerts to not conflict with the President’s EAN messages. This idea is most impractical:

- The voluntary SECC members would be busy at their own facilities.
- There is no dedicated SECC staffed office ready to respond to such a task.
- The EAS must be designed to run on auto-pilot, without human coordination.

Para. 40 – The SECC Should be Addressed in a Separate Part 11 Rules Section: In the NPRM, the FCC proposes to devote just one new rule to the SECC, proposed rule §11.21(a)(8), regarding SECC governance. I feel very strongly that the FCC, rather than trying to summarize the SECC in this one paragraph, should instead add a separate SECC

section to the Part 11 rules, as well as add to §11.2 the CSRIC-recommended SECC definition, and add a definitive statement at the start of the State and Local Area Plans §11.21 section of the rules stating that “The SECC develops and maintains the State EAS Plan”. My proposed SECC rules section is shown in Appendix 1 of these comments, and it draws almost exclusively on the FCC’s 1994 EAS Deployment Order referred to frequently in this NPRM.

I propose the FCC adoption of:

- New paragraph in §11.2: The definition of “SECC” recommended by CSRIC IV in Appendix 2 of its report, “A State Emergency Communications Committee (SECC) is a body recognized by the Federal Communications Commission that includes but is not necessarily limited to EAS stakeholders such as EAS Participants, emergency management officials, public safety agencies that issue EAS messages, and National Weather Service entities. Responsibilities of an SECC include but also may not be limited to planning EAS dissemination within their respective jurisdictions, developing and maintaining State EAS Plans and monitoring assignments, informing the Chief, Public Safety and Homeland Security Bureau of the FCC, of State Plan and monitoring assignment changes, and liaison to other SECCs in other geographical areas.”
- New paragraph §11.21(a): The current rules do not even state who is to draw up the State EAS Plan. The FCC clearly feels it is the SECC’s responsibility, alluded to in this NPRM in Paragraphs 8, 21, and 37, in Footnotes 3, 24, and 79, as well as in the 1994 EAS Deployment Order. Put it in the rules! A new rule §11.21(a) should start off the State and Local Area Plans rules with, “§11.21(a) The SECC develops and maintains the State EAS Plan”.
- New EAS rules section §11.xx State Emergency Communications Committee: See my new rules section proposed in Appendix 1 of these comments. None of my proposed rules is “new”, they are derived from the 1994 EAS Deployment Order, many verbatim from that Report & Order. The FCC clarified frequently in the current NPRM that the Commission had intended that the statements in the 1994 EAS Deployment Order be followed by SECCs, but the FCC says SECCs

have fallen short of these expectations. That is because these “expectations” regarding the SECC are not in the EAS rules. The FCC went to the trouble in the 1994 EAS Deployment Order to give SECCs direction, but that guidance has languished in this forgotten R&O. This FCC guidance is valid and valuable, and should be incorporated into Part 11 so all SECCs can benefit from seeing the FCC’s intended mission for the SECCs. Since the FCC has now opened the door to desiring new rules governing SECCs, I submit that SECCs then likewise deserve language stating the SECC’s authority and FCC-assigned duties and responsibilities so that SECCs may act with FCC-acknowledged charge to carry out the SECCs duties. The FCC needs to be mindful of not only proposing governance for the SECCs, but also stating in the rules the SECC’s roles, responsibilities, and authority – the essence of CSRIC’s recommendation. In my proposed SECC rules, there is both a section on SECC Governance as well as on SECC Responsibilities.

My proposed SECC rules section is shown in Appendix 1 of these comments, and it draws almost exclusively on the FCC’s 1994 EAS Deployment Order referred to frequently in this NPRM. These new rules offer a solution to the FCC’s Para. 40 questions below.

Para. 40 – FCC Should Allow States Flexibility in SECC Governance: Within Para. 40, the FCC seeks comment on the need for a uniform SECC governance structure, asking these questions and making these observations:

- Through an analysis of current SECC governance structures used by states, could FCC then develop SECC governance best practices?
- Is there need for a uniform governance structure for SECCs nationwide?
- Should FCC coordinate with SECCs to determine an optimal, uniform governance structure?
- FCC acknowledges that CSRIC IV did not find that a “one size fits all” approach would work for SECC governance.

Overall as has been stated by CSRIC IV, I agree there is no one-size-fits-all SECC governance structure, and the FCC should not attempt to impose one. However, the FCC offering nonbinding SECC governance best practices would be a valuable guideline for SECCs to work from. I would submit that Paragraphs (a) through (f) of the SECC Part 11 rules section I propose in Appendix 1 of these comments could serve as SECC governance best practices; these Paragraphs (a) through (f) dealing with SECC Governance Structure are derived from the FCC's "expectations" in the 1994 EAS Deployment Order, and are stated with terms such as "is requested", "we anticipate that", "at the discretion of", and "it is suggested that", reflecting the nature of these rules as "expectations" in the 1994 EAS Deployment Order, rather than mandates. If the FCC prefers further SECC input, this would be an appropriate topic for a reestablished NAC to address.

Para. 40 – FCC Should Clarify SECC Roles and Responsibilities: In concluding Para. 40, the FCC asks, "Given the disparity of size and resources from state to state, is there guidance FCC can issue that could clarify the roles and responsibilities of SECCs in a manner that would be useful in each state?" Yes, the FCC needs to be mindful of not only proposing governance for the SECCs, but also stating in the rules the SECC's roles, responsibilities, and authority – the essence of CSRIC's recommendation stating "the role of the SECC should be strengthened." To that end, I would submit that Paragraphs (g) through (m) of the SECC Part 11 rules section I propose in Appendix 1 of these comments could serve as a basis for the FCC to "clarify the roles and responsibilities of SECCs" as the Commission proposes; these Paragraphs (g) through (m) dealing with SECC Roles, Responsibilities and Authority are derived from the FCC's 1994 EAS Deployment Order, as well as some current-practice updates. As I suggested regarding SECC governance, this topic of clarifying SECC responsibilities would be an appropriate topic for a reestablished NAC to address if the FCC prefers further SECC input.

Para. 41 – LECCs and Local Area EAS Plans are still Relevant: Yes, LECCs are still relevant as boots-on-the-ground teams with local expertise to best manage EAS alerting in a given area, and Local Area EAS Plans are still viable for addressing EAS procedures

at a local level of detail beyond that possible to devote room to in the full State EAS Plan. The FCC should continue to support the concept of LECCs and Local Area EAS Plans, and should retain the description of Local Area Plans currently in §11.21(b), as proposed in the NPRM. As to whether Local Area EAS Plans should be submitted to the FCC separately or within State EAS Plans, I will defer that opinion to states like California where there are a great number of LECCs in operation – they likely have the greatest experience on how best to manage the logistics of an extensive implementation of LECCs and their Local Area EAS Plans.

Para. 42 – Keep the State EAS Plan Focused on EAS:

The FCC should not distract the attention and dilute the energy of SECCs away from their important mission of maintaining and improving the EAS by creating the diversions proposed in this paragraph and those that follow. The responsibility “to create a seamless information distribution system within their respective states” is the duty of the professional paid staff of the State Emergency Management Agency, not the responsibility of the all-volunteer SECC as the FCC states. The SECC has expertise in EAS, not all manner of other various alerting systems, which is the domain of the State Emergency Management Agency.

For the State EAS Plans and the SECCs to do their best job in managing State EAS capabilities, the State EAS Plan needs to remain focused on EAS – not WEA, not SMS, not social media, not highway sign use, not 911 community feedback, not the “many to one alerting dynamic”. The SECC does not have expertise in these topics nor the time to master that expertise, all the while stepping on the toes of the State Emergency Management Agency whose domain this is. The FCC must eliminate this long list of non-EAS elements from the proposed new EAS rules, to allow the limited amount of time available to SECC volunteers to be concentrated on EAS.

Para. 43 – No, the State EAS Plan Should not “Expand”: This paragraph, entitled Expanded Emergency Alerting Procedures proposes to “expand” the State EAS Plan to include how to “transmit emergency information to the public” using WEA, highway signs and social media, with the goal to “accurately reflect how emergency managers

utilize the suite of alerting tools available to them.” The FCC has only one thing right here – “transmitting emergency information to the public” involves the “suite of emergency manager tools” – however, EAS is but one tool, and the Plan describing EAS should not try to mirror the emergency manager’s entire suite of alerting tools. The FCC is way off base here, and needs to drop this proposal. See my comments at Para. 42.

Para. 44 – Yes, Document Satellite-Based PEP Sources in the EAS Rules: As the results of the 2011 Nationwide EAS Test showed, satellite-based delivery of the EAN is critical in many areas of the country not covered by a PEP radio station. Furthermore, I contend in my comments on §11.18(b) which describes National Primary (NP) sources, the FCC should conclude that rule with the statement, “For redundancy, states should have two NP sources if possible.” This addresses CSRIC’s concern over single points of failure. The FCC’s rule proposed in this NPRM, §11.18(a) describing the PEP system, already says, “...a nationwide network of broadcast stations and other entities...”, so those “other entities” (satellite-based sources) just need to be described in §11.18(a) and/or §11.18(b).

Para. 45 – SECCs Should Not be Tasked to Survey Alert Originators for the FCC: The FCC states, “We seek comment on whether state and local use of social media alerting tools should be included in State EAS Plans.” (My Answer: NO), and “We seek comment on what, if any, other alternative alerting systems alert originators are relying upon to supplement their use of EAS and WEA, and seek comment on our proposal that this information be specified in State EAS Plans.” If the FCC wants to know, it should survey alert originators, but neither of these proposals has anything to do with the SECC responsibility of maintaining the EAS, and neither of these proposals has any place in a State EAS Plan. See my comments at Para. 42.

Para. 46 – Crowdsourcing Not an EAS Topic: Thankfully, this paragraph only seeks comment and does not propose anything. Crowdsourcing and EAS don’t seem a likely combination in any event.

Para. 47 – There is no such thing as State and Local Monitoring Assignments: This paragraph states, “We propose that State EAS Plans should include the extent to which monitoring assignments for state and local alerts differ from monitoring assignments for the Presidential Alert.” The FCC needs to be very cautious in the use of its own term “monitoring assignments”. In the EAS rules, “monitoring assignments” very specifically refers to the two monitoring assignments stipulated in the State EAS Plan as sources of the Presidential Alert for each EAS Participant. There are no State and Local monitoring assignments identified in the EAS rules, as the word “assignments” connotes that this monitoring is required, but carrying State and Local alerts is voluntary so monitoring for them can hardly be required. Thus, the FCC needs to be mindful to not insinuate that State and local monitoring is ever mandated, especially when some states think they can “assign” State and local monitoring in their State EAS Plan and that the FCC will then enforce that “assignment”. The FCC should use the phrase “monitoring for state and local alerts”, rather than “monitoring assignments for state and local alerts”.

Para. 48 – Operational Areas should be retained in State EAS Plans: State EAS Plans have used Operational Areas ever since EAS began as a way to divide their respective states into geographical areas, and many states base the required EAS Monitoring Assignments on the counties located within each Operational Area. There seems no logical reason to change this system. However, there is one fly in the ointment here; see my comments at proposed rule §11.21(b). The term “Operational Area” appears nowhere in the EAS rules, it is a holdover from EBS. Rule §11.21(b) includes a definition for “Local Area”, and I submit there that with the heavy current use of the term “Operational Area” that the FCC change this definition to read, “A Local Area, sometimes referred to as an Operational Area, is a geographical area of contiguous communities or counties that may include more than one state.”

Para. 49 – Don’t Lift the EAS Protocol Restriction on Monitoring Assignments Yet: The FCC proposes “to remove the current restriction that the State EAS Plans include monitoring assignments for Presidential Alerts formatted in the EAS Protocol only.” While on the surface this move would make Presidential Alert monitoring more

technology neutral, it could lead to imperiling our EAS Protocol distribution system. If an area chose to go all-CAP with both monitoring assignments, there would no longer be any weekly RWT checks of the continuity of the EAS Protocol system. As it stands right now, two EAS Protocol Presidential Alert sources are mandated, and because IPAWS monitoring is also mandated and IPAWS is a source of the Presidential Alert, each EAS Participant currently has three sources of the Presidential Alert. That redundancy could be diminished by relaxing the EAS Protocol restriction on monitoring assignments. It would seem that until delivery technology changes, it would be wise to retain the EAS Protocol restriction on monitoring assignments in order to maintain the integrity of that EAS Protocol distribution system through regular weekly testing.

Para. 50 – Identify Single Points of Failure Once FCC Mapbooks are Available: The FCC seeks comment if it should “require that the two sources that EAS Participants are required to monitor for the Presidential Alert as specified in their State EAS Plan, cannot, in turn, monitor the same key EAS source.” While single points of failure are to be avoided, some states may not have other options available. Thus it is not wise to put this requirement into the rules, but it certainly should be used as an evaluation metric when reviewing the FCC Mapbooks once they are available after the FCC’s implementation of the CSRIC-recommended State EAS Monitoring Assignment Matrix by all states.

Para. 51 – Facilitate Dialogue on National vs. Local Alerting Strategies in the NAC: This paragraph uses the term “monitoring assignments for state and local alerts”, which I discussed previously in Para. 47 the FCC should avoid using. More preferable is the FCC’s follow-up statement, “To what extent do states’ Presidential and local alerting strategies differ?” The FCC asks if those differences should be described in the State EAS Plan “to facilitate dialogue at the state and local level about the extent to which new and emerging technologies could be used to improve the ability of EAS Participants to receive and retransmit the Presidential Alert?” Rather than trying to “facilitate dialogue” through placing a static statement into State EAS Plans, this rather seems like a topic that a reestablished NAC could delve into as a way for the FCC to “facilitate dialogue” in a

scenario to yield more productive results for the FCC. I would thus not recommend this item for inclusion in State EAS Plans.

Para. 52 – CSRIC on “States Must Submit a Plan” and Accurate Monitoring in Mapbook:

This paragraph outlines the relocation of rules from §11.52(d)(1), §11.52(d)(3), and §11.55(b) into §11.21; see my comments at those section locations in this comments document. The FCC asks if these relocations address CSRIC IV’s recommendation that the FCC amend §11.21 to state that, “States that want to use the EAS shall submit a State EAS Plan.” I believe this statement grew out of the concern that the FCC cannot force a State to draft a State EAS Plan, so this suggested language states that if a State wants to use EAS, they must submit a State EAS Plan.

The FCC also seeks comment on “whether the data submitted in State EAS Plans must accurately reflect actual monitoring assignments for the EAS Mapbook to be a useful tool to analyze and address issues with EAS functionality.” The issue of the FCC determining actual sources monitored by each EAS Participant will be remedied by the implementation of the ETRS, as opposed to “data submitted in the State EAS Plan”. So this statement, which apparently appears in §11.21(c) is not needed and I suggest there that it be struck.

To the FCC’s last question in this paragraph, yes, the FCC “failing to require EAS Participant monitoring assignments to be implemented pursuant to State EAS Plans would make the state EAS planning process a hollow exercise without bearing on the actual organization of EAS” – and would by the way endanger the reliable dissemination of the Presidential Alert by taking that planning process out of the SECCs hands.

Para. 53 – Entirely Inappropriate for the State EAS Plan – Strike this Proposed Rule :

The FCC proposes “that State EAS Plans should describe the extent to which alert originators coordinate alerts with community feedback mechanisms, such as 9-1-1, to make full use of public safety resources.” This rule, proposed as §11.21(a)(6), is entirely inappropriate for a State EAS Plan, and should be totally struck without question. This is obviously the

domain of the State Emergency Management Agency and 9-1-1 Centers, and clearly out of the field of expertise and sphere of responsibilities for SECCs.

Para. 53 – GREAT IDEA - Work with FEMA to Incorporate EAS into NIMS: The FCC seeks comment on the steps it can take to facilitate increased participation by first responder entities, such as PSAPs, as authorized EAS alert originators. The answer – the FCC needs to work with FEMA to militate for the inclusion of EAS into the National Incident Management System (NIMS) training, which is training taken by virtually every large and small first responder agency in the country. Many of the FCC’s concepts and questions posed in this NPRM, which are not suitable for inclusion in a State EAS Plan, could be included in the NIMS training targeted specifically at the first responders and emergency managers who could actually put the FCC’s proposals into action in their world.

Para. 55 – Drop Proposals for RWT, National Test, and WEA Test Procedures: The FCC proposes that the State EAS Plan, in addition to continuing to contain procedures for special tests, should also be required to contain procedures for RMTs, RWTs, and national tests. While procedures for special tests and RMTs makes sense to include in State EAS Plans, RWT and national test procedures do not seem logical to add to State EAS Plans. There would be nothing to detail for a code-only RWT, and details of a national test are issued by the FCC and FEMA, not SECCs. See §11.21(a)(5) for my recommended language on this proposed rule.

In addition, the FCC proposes that “State EAS Plans should include a description of the extent to which State/Local WEA Tests are utilized by alert originators as a complement to the Presidential Alert distribution system to verify that WEA is both capable of disseminating a Presidential Alert, and informing the public that a Presidential Alert is presently being delivered over EAS.” This proposal should not be adopted. There are so many things wrong with this FCC proposal:

- WEA tests are out of scope for the responsibilities of the SECC, and will lead to SECC distraction. See my comments at Para. 42.

- State/Local alert originators would not be utilizing WEA, or any other test method, to complement Presidential Alert dissemination, because State/Local alert originators are not responsible for Presidential Alert dissemination.
- Finally, State/Local alert originator WEA tests would not “verify that WEA is both capable of disseminating a Presidential Alert, and informing the public that a Presidential Alert is presently being delivered over EAS”, because State/Local WEA tests would be required to use a special WEA test code, not the Presidential EAN code, so testing the State/Local code would not prove that a Presidential Alert could be disseminated. In addition, these tests would originate at a State/Local source, not a Federal source, so the Presidential Alert path would not be tested or proven either.

Para. 56 – Live Code Test Procedures Should not be in the State EAS Plan: The FCC seeks comment on if the State EAS Plan should contain the procedures, script, and pre-test outreach scheme for a State conducting a Live Code Test. My opinion is that these Live Code Test details should not be in the State EAS Plan, as then any change in the details of the procedure would mean the State EAS Plan needs to be updated. In addition, planning and input for each Live Code Test typically goes beyond the members of the SECC, so the Live Code Test details should be kept as a living agreement between all those parties as it is done currently, not set in the State EAS Plan.

Para. 57 – Keep WEA Test Details out of State EAS Plans: The FCC purports that because the public will likely receive its first notice via their smartphones that a Presidential Alert is being delivered on EAS, that State/Local WEA testing procedures are “a necessary component of state-level preparedness to receive a Presidential Alert.” This statement is based on the fallacy that I cited in Para. 55 - State/Local WEA tests would not verify that WEA is both capable of disseminating a Presidential Alert, because State/Local WEA tests would be required to use a special WEA test code, not the Presidential EAN code, so testing the State/Local code would not prove that a Presidential Alert could be disseminated. In addition, these tests would originate at a State/Local source, not a Federal source, so the Presidential Alert path would not be

tested or proven either. In any event, WEA test details are out of place in a State EAS Plan.

The FCC concludes this paragraph with the question, “Should the manner in which a state or community uses smartphone technology, through WEA or otherwise, to augment an EAS alert be included in State EAS Plans?” The answer is as I have stated previously in these comments – “augmenting EAS alerts” is the domain of the professionals at the State Emergency Management Agency, not the volunteers of the SECC. Details of WEA use, or any other method to “augment EAS alerts”, do not belong in a State EAS Plan. Mandating the inclusion of such details would distract the attention and dilute the energy of the limited-time-availability SECC volunteers away from essential core EAS tasks.

Para. 58 – Do Not Reveal Security Measures in the State EAS Plan: The FCC seeks comment on two questions: “Should State EAS Plans describe the measures EAS Participants have taken to comply with our proposed security requirements?” and, “Should State EAS Plans include any additional information regarding their approach to cyber security risk management, including if and how they use tools like the NIST Cybersecurity Framework (NSF), or other risk management construct, and how this has been extended to their alerting system?” Security details of EAS Participants and the State EAS network should most certainly not be spelled out in a public document like the State EAS Plan – that would be giving the hackers “the keys to the kingdom”. As the FCC suggests, the EAS Participant certifications the FCC proposes “provide adequate disclosures regarding EAS Participants’ security efforts, obviating the need for the separate inclusion of such information in State EAS Plans.” No security details of any sort should be revealed in the State EAS Plan.

This concludes comments on the paragraphs in the State EAS Plan Contents section of the NPRM. What follows are comments regarding SECCs and the State EAS Plan from paragraphs in the remainder of the NPRM.

Para. 59-64: Live Code Tests

Para. 61 – The Benefits of Live Code Testing are Many: The FCC asks in this paragraph, “Would expanding our Part 11 rules to permit live code testing facilitate opportunities for system verification, proficiency building, and raising public awareness about EAS?” Yes, well said, FCC should adopt its proposed §11.61(a)(5) rule on Live Code Testing.

Para. 62 – Specific Live Code Test Notification Procedures Not Needed: The FCC asks in this paragraph regarding Live Code Tests, “Is it necessary to codify specific notification procedures, or are available best practices sufficient?” The FCC should not try to adopt specific Live Code Test notification procedures. The high-level requirements in the proposed rule §11.61(a)(5) are adequate, and each State can develop its own procedures to satisfy those requirements. As CSRIC IV has said, there is no one-size-fits-all when it comes to State EAS alerting procedures.

Para. 63 – No Rules are needed for Frequency of Live Code Testing: The FCC asks in this paragraph, “We seek comment on whether we should limit how often Live Code Tests may occur in a particular geographic area?” and “Are there steps that we should take to prevent over-alerting and alert fatigue?” My thoughts: The FCC should not adopt new rules limiting live code testing in an attempt to prevent possible over-alerting and alert fatigue. Public pressure and opinion will make it clear to alerting authorities on their own if public alert fatigue is occurring – and as CSRIC and others have said, there is no one-size-fits-all policy when it comes to state-by-state EAS procedures. And no, SECCs should not “be required to conduct live code EAS tests at certain predetermined intervals”. Again, each state should determine its own needs for adequate testing.

Para. 64 – Live Code Tests in the rules would eliminate the Need for Testing Waivers: The FCC asks in this paragraph, “Would this action remove regulatory burdens for EAS stakeholders and reduce costs?” Adopting Live Code Testing in the EAS rules as an approved practice would remove the necessity for a waiver each time a State desires to

conduct a Live Code Test. This will save time and costs not only for EAS stakeholders, but for the FCC as well, in no longer needing to deal with these waivers. The proposed rule §11.61(a)(5) should be adopted.

Para. 135-136: State & Local Alert Authentication using the CAP Digital Signature

Due Diligence Needed: Note that I have stated in my introduction that I am not a “security expert”, so my opinions below are based on my understanding of the functioning of digital signatures. Before adopting or rejecting these proposed rules, the FCC should seek a definitive determination from the EAS equipment manufacturers as to what is and isn’t possible to implement in the EAS units at EAS Participant facilities.

Para. 135 – Rule may not be actionable, but other methods exist to “filter” originators:

The FCC-proposed rule resulting from the discussion in this paragraph is §11.56(c), requiring EAS Participants to configure their systems to only pass messages where the CAP digital signature matches a FEMA-authorized source or a source designated in the State EAS Plan. In my comments regarding that rule, I state that the rule may not be actionable by EAS Participants as it appears that the digital signature of individual alert originators cannot be accepted or rejected based on if the alert originator is listed in the State EAS Plan; thus I recommend that the rule not be adopted.

However, if the FCC sees value in passing alerts only from designated State and local sources, this can be handled by the State authority that manages the State CAP server vetting who is issued credentials to log into the State CAP server vendor’s web portal to initiate CAP messages. Thus the “filtering” would not be done via a list in the State EAS Plan as the rule proposes, but rather by a State authority issuing credentials. See my comments on this at §11.56(c).

Lastly, there is the overall security issue of the value of validating digital signatures to authenticate the originator of all CAP messages – that issue is addressed in the next paragraph.

Para. 136 – Move Cautiously on Requiring Digital Signature in all CAP Messages: The FCC-proposed rule resulting from the discussion in this paragraph is §11.21(a)(7), proposing that procedures be added to the State EAS Plan that detail how EAS Participants authenticate the CAP digital signature of designated State and local alert originators. In my comments on that rule, I surmise that the procedure for authenticating CAP messages lies solely in the OASIS standard, so no procedure is needed in the State EAS Plan and thus this rule is not needed. To the Para. 136 question, “Are State EAS Plans the appropriate location for defining the authentication process for State and Local digital signatures?” - it would appear the answer is, no.

However, in Para. 136 the FCC asks two additional related questions: “Should we require all CAP-formatted messages to be digitally signed?”, and “What impact would there be to state and local authorities from requiring all CAP-formatted EAS messages to be digitally signed?” The FCC should move cautiously regarding this issue. In my informal discussion with one EAS equipment manufacturer, he stated that he is not aware of any State CAP server that currently uses messages signed with a digital signature within their system. The EAS equipment manufacturer would need to install the “root key certificate” into his EAS units to authenticate messages from any State CAP server that is using digital signature, so since no root keys have been supplied by any State, it appears no State CAP server is currently using digital signatures. There must be a reason for this, and one would presume that all these State CAP server vendor systems do not likely have the resources to quickly add digital signature to their systems. Thus, the FCC should thoroughly research the effects of mandating digital signature in all CAP messages prior to mandating such a rule. The Commission would not want to render numerous State CAP server systems useless if they are unable to comply with the digital signature rule for some reason.

Para. 142-143: Using Station ID L-Code to Validate Alerts

Para. 142-143 - Possible Missed Alerts for Very Little Security Gained: The FCC-proposed rule resulting from the discussion in these paragraphs is §11.33(a)(10),

proposing that messages would only be considered valid if the Station ID header code matches one of the assigned monitoring sources as specified in the State EAS Plan. Implementing this proposal would involve monitoring assignment Station IDs be listed in the State EAS Plan, EAS equipment manufacturers installing a lookup table in their EAS unit, and EAS Participants accurately entering their own Station ID as well as the Station ID of monitored stations into their EAS unit. There seems to be a lot of room for error here, resulting in missed alerts, for very limited security gained. See my comments at §11.33(a)(10) for why I feel there is very limited security gained – mostly because the identity of monitored stations and their Station ID would be easily discoverable in the public State EAS Plan, and on the FCC CDBS if Facility ID is used. My comments there also address where the opportunities for errors in programming might be introduced. However, if the FCC does adopt this proposal, I suggest in my §11.33(a)(10) comments that the most simple way for SECCs to document the Station ID of monitored sources would be for the FCC to require this information be added to the CSRIC-recommended State Monitoring Assignment Matrix that the Commission proposes to adopt. Finally, as I point out in my comments on §11.31(c), the PSID identifier that the FCC proposes to use as the Station ID for all EAS Participants in this paragraph is used only by cable. For broadcasters, the Facility ID would be the likely identifier, rather than PSID.

Para. 146-157: Confidentiality and Information Sharing

Para. 146 – SECCs Should Have Full Access to ETRS Data: This paragraph points out that confidentiality questions in this current NPRM apply only to the EAS Participant security certifications and reporting-related information (false alert reports and lockout notifications) proposed in this NPRM. Footnote 285 clarifies that ETRS test data confidentiality was already addressed in the Sixth Report and Order, limiting access to Federal agencies and “state governmental emergency management agencies that have confidentiality protection at least equal to that provided by FOIA”. Since EAS Participant entry of the initial “identifying information” was adopted in the Sixth R&O, SECCs would seem precluded from access to the EAS Participant’s monitored sources,

contact information, and other data detailed on Form 1 in the recent ETRS Public Notice. Although the State Emergency Management Agency is typically a member of the SECC and could thus gain access to this data to examine it on behalf of the SECC, the FCC should reevaluate what seems to be the current exclusion of SECCs access to this data of great importance to the State EAS network. How else are monitoring assignment anomalies to be discovered and resolved?

There is evidence that EAS Participants do trust their SECCs with identifying details. For example, many Wisconsin EAS Participants have voluntarily responded to two Survey Monkey surveys done in recent years regarding the first IPAWS-delivered Wisconsin RMT and the recent FEMA Regional NPT, and virtually 100% of these respondents had no issues with providing details such as their contact information, type of EAS unit they use, and success or failure of the test at their facility – so clearly, EAS Participants do not have confidentiality concerns with sharing identifying facility details with the Wisconsin SECC. I suspect the same is true elsewhere. SECCs should be given full access to the EAS Participant initial information entered on Form 1 of ETRS, to ensure the integrity of the State EAS network.

Para. 149 – The Act of Filing Reporting-Related Info Should be Shared with SECCs: The FCC states in this paragraph that it would consider as not presumptively confidential the EAS Participant act of filing reporting-related information, that is a False Alert Report (issuance or retransmission of a false EAS message), or a Lockout Notification (equipment does not return to normal operation after receiving an EAS alert). If the FCC does adopt the policy that the act of filing this information is not presumptively confidential, then the FCC should adopt a further policy of automatically notifying the EAS Participant’s SECC when the Commission receives such a report or notification.

Para. 150 – Reporting-Related Information Itself Should be Shared with SECCs: The FCC states in this paragraph that it would consider the EAS Participant reporting-related information itself as confidential. The SECC should be among the entities that this specific information is shared with, because as the FCC itself states in this paragraph, the “information may provide valuable insight into EAS vulnerabilities, information detailing

specific corrective actions taken, the need for specific corrective action, or reasons why the EAS may have functioned sub-optimally.” All of these details would be most valuable to the SECC in maintaining a well-running State EAS network.

Para. 151 – Share State-EAS-Related Data with the SECCs: The FCC asks in this paragraph which state entities and which non-governmental entities the FCC should share this information with. Regardless of other entities the FCC selects, the SECC should be one of the entities with access to this data. In Para. 152, the FCC proposes to share the information with the DHS NCC, which includes more than 50 private-sector companies. Surely the SECC is as trusted as 50 companies.

Para. 153 – Read-Only Access for SECCs is Acceptable: The FCC in this paragraph questions what the conditions on sharing data should be. The Commission mentions “access to the ETRS database on a read-only basis”, and sharing data “only if stringent measures are in place to protect the data from public disclosure”. Both of these are reasonable restrictions to place on SECC access to ETRS data.

Para. 154 – Security Training and Identification of Individuals is Acceptable for SECCs: The FCC in this paragraph asks in order to safeguard the data, “Should personnel charged with obtaining Part 11 information be required to have security training?” and “Should the identity of these individuals be supplied to the Commission?” Both of these are reasonable conditions to place on SECCs to access ETRS data, provided that the required security training is free and takes less than 1 hour. In my past employment as a federal contractor, I took regular data security courses which took only 30-45 minutes and were comprised of slides and text. If the FCC made such a course available to SECCs, it would not seem a great burden to require that SECC members pass the course.

Para. 162-174: Software-defined EAS Networking

Para. 165 – SECCs Should Maintain Control of Distribution Paths and Monitoring: The FCC asks in this paragraph, “Could a tiered control model be developed such that SECCs could continue to determine the distribution paths and monitoring assignments for alerts and EAS Participants, respectively, in their states, pursuant to a no-single-point-of-failure principle that could be maintained by a central controller?” My thought: If EAS should transition to an all-digital network such as this, it would still be important for the SECC as the boots on the ground to determine the distribution paths and monitoring assignments for its state. This would seem just as important in a new all-digital architecture as it is in the current scenario.

Para. 167 – SECCs Should Handle Administrative Tasks within their States: The FCC asks in this paragraph, “We seek comment on the optimal method of allocating responsibility for administrative tasks among nodes in a tiered control model, including if SECCs were to be given control over alert distribution pathways in their respective states.” My thought: As stated above, any all-digital EAS network should include SECC control of distribution pathways, as well as any other administrative tasks within their respective states.

Para. 175-178: EAS Protocol Alerting vs. CAP-formatted Alerting

The FCC asks in Para. 175 whether EAS Protocol alerting and CAP-based alerting should both be retained for the purposes of resiliency and diversity. There are issues to consider on both sides of this question:

What would the downside be if EAS Protocol alerting was dropped?

- EAS would lose a redundant system that is still “working” (albeit with issues).
- The value of the PEP stations would be gravely diminished by losing their ability to pass over-the-air alerts to other EAS Participants. (after millions of dollars being spent to harden them)
- EAS would be totally Internet-dependent, with no back-up.

What would be the downside of keeping EAS Protocol alerting?

- Much of the PEP infrastructure depends on AM radio reception, which is increasingly plagued by manmade noise and declining by the day. Exacerbating this situation is the FCC's current proposal to eliminate protections for Class A AM broadcast stations.
- Dissemination of EAS Protocol messages is dependent on the continued commitment of Local Primary (LP) stations, which some states are beginning to have difficulty in retaining.
- Canada, as an example, did not see over-the-air alert dissemination as a valid methodology in its relatively recent launch of a national alerting system.

If EAS Protocol alerting is to be continued, these two issues need to be resolved:

- First, EAS Protocol alerting needs message security.
 - This needs to be true message authentication, as suggested in Para. 137-139 discussing TDX and VRE; technologies such as these need to be seriously explored if EAS Protocol alerting is to be retained. The solution needs to be more than just crosschecking the header code STN-ID against the monitored stations, as in Para. 142.
 - Right now, any kid can buy an old EAS Protocol EAS unit on E-Bay, hook it up to a low power AM or FM transmitter, and sit in the parking lot of an LP station identified in the State EAS Plan to hack into the system.
- Second, we need to find a method to ensure that the detailed-text CAP message airs when available, rather than its dumbed-down EAS Protocol duplicate airing.
 - Right now it is a 50/50 chance as to whether the EAS Protocol alert airs or the CAP alert airs, depending on which reaches the station EAS unit first.
 - We've been touting to our alert originators for years how the detailed text of the CAP message will improve their alerting, but the reality is that still today there is only a 50/50 chance that the CAP alert will air instead of the limited-text EAS Protocol alert. This situation must be fixed if EAS Protocol alerting is to be retained.

- One possible solution is to force the EAS unit to poll IPAWS anytime an EAS Protocol alert is received, and substitute its CAP duplicate if available. This would make EAS Protocol truly a redundant back-up to CAP, not a parallel system directly competing with it.

If these two issues cannot be solved, then a sunset for EAS Protocol alerting should likely be set.

If EAS Protocol Alerting is Retained, it must be Tested: In Para. 177, the FCC questions with the increasing focus on CAP-based paths, do we risk less frequent use of EAS Protocol broadcast paths. This is a danger that I pointed out in my Para. 49 comments where the FCC proposes to remove the current restriction that State EAS Plan monitoring assignments be EAS Protocol only. If the FCC would pursue such a move, it should give consideration that if an area chooses two CAP monitoring assignments that there is still provision for testing the EAS Protocol dissemination system.

Para. 179-183: Compliance Timeframes

Para. 180 – Increase EAS Designations Timeframe from 30 Days to 6 Months: Para. 180 discusses timeframes for “State EAS Plan Rules”. The rules regarding EAS Designations take effect within 30 days of publication in the Federal Register, but the remainder of the State EAS Plan Rules take effect 6 months after OMB approval. Since EAS Designation changes would likely need to be reflected in most State EAS Plans, the EAS Designations should be included in the 6-month timeframe with the other State EAS Plan Rules.

Also, would items like SECC Governance be included in this 6-month timeframe, even though this item is not tied to OMB approval?

Also, are items like including the STN-ID of monitoring assignments in the State EAS Plan a part of this timeframe, or would that fall under the 1-year timeframe of Authentication and Validation Measures?

Timeframe for Reestablishing NAC Should be 6 Months: Since the reestablishing of the NAC mentioned in Para. 32 is not a proposed rule, there is to timeframe given for that action. If the Commission does agree to reestablish the NAC, although that action would not be covered in a new EAS rule, the timeframe for that action should nevertheless be stated as within 6 months of the rules adopted from this NPRM being published in the Federal Register.

Appendices

Please note the following two appendices at the end of these comments:

- Appendix 1 – My proposed SECC Part 11 Rules Section
- Appendix 2 – Unresolved Issues from the 2012 EAS Fifth Report & Order

Respectfully submitted,

Gary E. Timm

Appendix 1 – The SECC Should be addressed in a Separate Part 11 Rules Section

These current Comments below build upon similar Comments I filed on 20 July 2011 regarding the EAS Third FNPRM.

Expanding codified responsibilities and authority of the SECC

The State Emergency Communications Committee (SECC) is only referenced in three places in the current Part 11 rules: §11.11(e) and §11.47(b) both recommend public service providers who are not required EAS Participants contact their SECC for guidance on participating in the EAS, and §11.61(a)(1)(i) regarding the Required Monthly Test states “The time and script content will be developed by SECCs in cooperation with affected EAS Participants.” There are no other Part 11 rules addressing the SECC’s origin, responsibility or authority. The SECC should be more evident in Part 11.

This current NPRM frequently references the 1994 Report and Order (FCC 94-288) which established the EAS. That document is found on the FCC EAS Homepage, at the bottom of the Archives list: <https://www.fcc.gov/pshs/docs/services/eas/FCC-94-288.pdf>. In researching that document, a wealth of information is revealed as to the original intent of the Commission regarding the duties of the SECC, including the intent that it develop the State EAS Plan. Unfortunately, in 1994 these details were only described in the R&O itself but not reflected in the actual EAS rules enacted.

The 1994 R&O is a very convenient source to develop new SECC rules based on the original intent of the Commission. Section V.B., paragraphs 131-135 starting on page 48 of the 1994 R&O, outline the SECC guidelines, including statements such as the SECCs “approve the policies and procedures for EAS operations, tests and activations within their domain”. Earlier, para. 99 states that State EAS Plans are developed voluntarily by SECCs. Para. 111 states that the SECC defines the prescribed test area for the RMT, in addition to developing the schedule and script. While the structure and composition of the SECC is best left to each state to determine, general guidance, and at least acknowledgement of the SECC’s existence, seem appropriate.

The following is my suggestion for an SECC section in the FCC Part 11 EAS rules. Many sections below draw heavily from the 1994 EAS Deployment R&O:

§11.xx State Emergency Communications Committee

SECC Governance Structure:

- (a) Every state and territory is requested by the Commission to maintain an SECC. In the absence of individuals stepping forward from the state EAS community at large, the FCC requests that the State Broadcasters Association take the lead on organizing and maintaining an SECC.
- (b) The SECC Chairs must be appointed by the FCC. Individuals wishing to volunteer to serve as SECC Chairs should communicate their desires to the Commission. FCC will in turn appoint interested and qualified individuals as SECC Chairs.
- (c) We anticipate that each SECC will have a Broadcast Co-Chair and Cable Co-Chair to ensure that their industries are fully participating in the development of state emergency plans.
- (d) Other members of the SECC will be appointed by the SECC Chairs. Members may include the Chair and Vice-Chair of any LECCs that are formed within the State or Territory. All EAS Participants are eligible to serve on their respective SECCs.
- (e) Composition of the SECC is at the discretion of the Chairs, but as a minimum the FCC suggests including representatives from the state Emergency Management Agency and/or Governor's Office, National Weather Service, State Broadcasters Association, State Cable TV Association, state radio broadcasters, state TV broadcasters, and state cable TV operators.
- (f) It is suggested that the SECC meet at least annually. The Co-Chairs should chair each meeting of the SECC and should also ensure that the SECC membership list is kept current.

SECC Roles, Responsibilities, Authority and Protections:

- (g) The SECC is responsible for developing, amending and updating the State EAS Plan referred to in §11.21. Plans developed by the SECC or LECCs must be

reviewed by the FCC prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.

- (h) The SECC is responsible for the approval of the policies and procedures for EAS operations, tests, and activations within its state.
- (i) The SECC shall make technical and operational recommendations to state and local area authorities involved in emergency communications, serve as liaison to the FCC, and maintain liaison with appropriate federal, state and local authorities and agencies.
- (j) The SECC shall establish policies to carry out state EAS activations in accordance with §11.55.
- (k) The SECC, in collaboration with any LECCs, shall strategically organize state and local EAS Participants into a network capable of ensuring the proper dissemination of the Presidential Alert.
- (l) The SECC shall be responsible for establishing the two required monitoring assignments for each EAS Participant, as described in §11.52(d)(1).
- (m) If the required EAS sources cannot be received, the SECC shall be responsible for issuing waivers for alternate monitoring assignments. [Currently, §11.52(d)(4) states that these waivers are to be acquired from the FCC, which is also referenced in the 1994 R&O para. 99. In my experience, many SECCs are already issuing waivers on their own. This came about because of the Commission's past policy of not wanting to delve into these individual state EAS details, and the appointed State EAS Chairs were told to do what they felt best. In reality, the SECC on the ground in that state is best equipped to determine alternate monitoring assignments anyway. Logic would dictate that if the SECC determines the original monitoring assignments, then the SECC would be most logical to issue the waivers. §11.52(d)(4) should be amended to reflect SECCs issuing these waivers, with a copy furnished to the FCC and/or listed in the State EAS Plan.]
- (n) Further, the FCC should include a "hold harmless" statement in this section, regarding legal protections for the best-intention actions taken by these volunteer SECC members.

Appendix 2 – Unresolved Issues from the 2012 EAS Fifth Report & Order

Decisions deferred in the EAS Fifth Report and Order, Released January 10, 2012

In the EAS Fifth Report and Order, Released January 10, 2012, the Commission’s decision on a number of comments was stated as, “We defer taking any action on this issue until, at a minimum, we have completed our review of the test data we will be receiving from EAS Participants as a result of the November 9, 2011, Nationwide EAS Test”. While some of those deferred issues have since been addressed, the following issues are still outstanding since 2012 with no FCC decision:

- Whether manual operation of EAS equipment should be allowed for processing the EAN. [R&O paragraph 202]
- Response to a commenter on a request that translators and satellite stations no longer be exempted from having EAS equipment so that they may carry State and local alerts. [R&O paragraph 268]
- Possible new rules on State EAS Plans and SECC authority and responsibilities. [R&O paragraph 274] MAY BE ADDRESSED IN THIS CURRENT NPRM
- Possible changes to the current Required Weekly Test (RWT) and Required Monthly Test (RMT) rules. [R&O paragraph 277]

Considering that on April 12, 2013, the FCC PSHSB released a report summarizing the findings from the 2011 Nationwide EAS Test, it would seem appropriate that the Commission should in its next NPRM render a decision on a final disposition of the four remaining items deferred in the EAS Fifth Report and Order, Released January 10, 2012. Although one of those items, State EAS Plans and SECCs will possibly be addressed in the current NPRM, it is nonetheless imperative that the disposition of these four remaining items be declared by the Commission in some form or fashion in order to release these items from limbo. This is particularly important as SECCs rewrite their State EAS Plans. Some SECCs may be reticent to put the time into revising their State EAS Plans if they feel there are still other possible new FCC rules lingering from the EAS Fifth Report and Order. Disposing of these deferred items would serve well both the SECCs and the Commission.