

## COMMENTS ON FCC Docket 04-296 – Review of the Emergency Alert System

Filed by: Larry A. Estlack, Chairman, Michigan SECC on behalf of the Committee

The Michigan SECC wishes to thank the FCC for this opportunity to comment on proposed changes to the Emergency Alert System in the hope that an improved public warning system can be developed and implemented in the United States.

### Section 21 & 22:

First, we note the exceptional work done by the Partnership for Public Warning, which sets the groundwork for a greatly improved Emergency Public Warning System.

We feel much of the current system is technologically lagging; however, we do not feel the system should be scrapped. Clearly, leadership from a single government department is now needed, with input from other agencies, authorities and current EAS stakeholders. We feel this lead role is likely best filled by the Department of Homeland Security.

### Section 24:

Broadcasters have demonstrated time and again, their willingness to voluntarily participate in the warning of the public, provided such warnings are required to save lives, reduce loss of property and when the use of broadcast and cable dissemination is the most effective means to reach those in immediate danger.

Reasonable guidelines have already been established in many local and State plans between local emergency managers and broadcasters/cable providers. Continued dialog between stakeholders is necessary to refine those guidelines, as misuse will surely reduce the effectiveness of any warning system, whether it is the present EAS or an updated version. The lead organization should provide the framework for the dialog, set reasonable goals, expectations and monitoring of effectiveness.

In Michigan, the SECC and its many LECCs have tirelessly worked for many years as interested volunteers to develop workable State and local plans. This has been accomplished almost entirely at the grass roots level. Despite many requests, we have seldom received assistance or support from the FCC, FEMA or other federal agencies. For example, the last direct funding received in Michigan for any EAS improvements was 16 years ago, in 1988.

We are thankful the Michigan Association of Broadcasters, like many other state associations, has stepped up to provide assistance for meetings, publication of state and local plans, web services, and limited travel expenses. The Michigan

State Police, Emergency Management Division has also shown support of our efforts. Much work needs to be done, and with reasonable governmental support and funding, it can continue.

Section 26:

We feel that most broadcasters and cable systems wish to see the responsibility for the accurate creation and targeting of emergency messages be entrusted to local and state emergency managers who are the persons trained and knowledgeable in this critical role. Meanwhile, broadcasters and cable systems serve as very effective distribution channels for those messages. Some uniform guidelines are needed and are useful, to reinforce the messaging criteria of eminent loss of life, widespread property damage, or serious civil dangers as the primary reasons for issuance of public warnings.

Section 27:

Michigan has no assigned PEP station in the State, nor is it reliably able to monitor a PEP station from another state. This fact has been communicated many times to FEMA and, in fact, is noted in our State EAS Plan, filed and approved by the FCC in 1997. In short, PEP does not work in Michigan. We have had to resort to using a secondary system: the cue channel of National Public Radio which we understand can be interrupted by a PEP station monitored by NPR in Washington, DC. We find this hardly sufficient for a national warning system to Michigan's citizens.

Generally, we feel the PEP concept is out-dated as it relies on a land-based wired system and just a few stations to reach millions in a time of homeland crisis. We also wonder why the previous connection paths between the federal government and the major TV and radio networks were dismantled. In a system architecture that advocates multiple paths, it would seem the use of the multiple satellite paths in existence and in constant use by the major TV and radio networks provide many redundant paths to the public.

We feel new technology now needs to be embraced that provides direct messaging from governmental emergency managers on all levels to as many public distribution points as possible in the shortest time possible and in a secure manner of transmission. Public warning on a national scale needs many more redundant, and simultaneous paths than are presently in place.

A satellite-based system, most notably the one created by ComLabs EMnet, is already utilized in at least 11 States and was selected by those states for some very good reasons:

- It is far closer to an ideal distribution backbone design that allows controlled access, addressability, secure transmission, and several backup paths. It has the ability to reach additional multiple, diverse delivery systems including broadcast, cable, pagers, cell phones, PCS devices, datacast-enabled DTV stations, etc. It has future upgrade paths and remote software upgrade ability. Its communication path to all terminals is constantly monitored as well as the receipt of each and every message sent. Failures are constantly monitored and reported in seconds—not discovered later during a once-a-week “Required Weekly Test” and a later log review by a Chief Operator—before any corrective action can begin.
- The EMnet system, wisely, does not seek to replace EAS, rather, its design uses appropriate newer technology to provide far greater input access from emergency managers, provides full text messaging (essential to any true emergency message system) and delivers to more stakeholders in much less time. The installed base of EAS equipment remains in place, but the limitations of access, security, addressability, specific messaging, attached graphic files and many other EAS shortcomings are erased. We feel this robust system model makes sense on many fronts: broadcast, cable, interagency and interdepartmental communication at the state or local levels as well as a data input for direct-to-the-public systems via paging, cell, PCS devices and many other current or evolving technologies.

Although Michigan has not yet adopted this system, it is currently being recommended for consideration by the SECC. It would seem that with nearly 20 percent of the states already using this system—after careful consideration and consultation with top emergency managers—it would be advisable to consider this system as a solution for the essential backbone of the revised EAS. Each of these states has invested both trust and funding in this system after carefully scrutinizing all of the alternatives. At this moment, many states are undoubtedly considering this system model, but may be hesitant to commit funds until a federal decision is made. We hope this decision will be made soon.

Section 28:

In the short term, it appears imperative that all existing EAS equipment needs to be upgraded to accept all the new event codes as approved by the FCC over two years ago, but not mandated. Realizing the benefit of these much more specific codes, many stations and cable systems have already taken this step on a voluntary basis; but until all EAS units in the field are once again speaking the same language, we have little hope to quickly transition to the benefits of the expanded event codes, many of which are directly applicable to matters of homeland security and local emergencies.

If such upgrades were mandated, as we feel they should be, it would also seem appropriate the government provide some funding (or tax incentive) to offset the cost of such upgrades for small cable system operators and broadcasters who were mandated to install EAS equipment just a few years ago that lacked the depth of event codes that were needed for civil authorities to effectively use this tool for public warning.

Section 29:

As the growth of cable delivery to the home and the need of an automated system spurred the change of EBS to EAS in the mid 1990s, we are now seeing very rapid integration of many new digital technologies: terrestrial based IBOC & DTV and satellite based DARS and DBS, among many others.

Although much work needs to be done to effectively integrate EAS into these new technologies, there should be no delay in bringing these new services into the Public Warning community and adversely impact on all citizens. DARS and DBS should be full participants in a new Public Warning System.

In the NPRM, there are questions posed as to the merits of increasing fines for non-compliance with FCC regulations regarding EAS. We see no justification in this approach at this time. Every effort by the FCC should be placed on serious, swift and substantive improvements to this system first. There is no excuse for non-compliance with FCC rules relating to EAS, and the FCC should continue enforcement of the rules within the current fine structure. That being said, in many cases, it must realize serious flaws now exist in a system that primarily depends on the anomalies of over-the-air transmission between stations when such signals are subject to long reception distances, local interference, atmospheric changes, equipment malfunction and human error.

In summary, we encourage the Commission to move in a careful, decisive and phased-in approach to update the Emergency Alert System. Like those on this committee who have volunteered their time and expertise on EAS for many years, you will find many Americans who feel this is a very, very important task. If requested, we will be pleased to offer further comment and our assistance.