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In the Matter of)
) EB Docket No. 04-296
Review of the Emergency Alert)
System)
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I am co-chair of the Southern Nevada EAS operational area, and past chair of both the Cochise County AZ, and Tucson EAS operational areas. In 1992 I was a member of the President's National Industry Advisory Council for the Emergency Broadcast System for the western part of the US. I have been a broadcaster for over 40 years, dealing with all aspects of Conelrad, EBS and EAS.

The existing Emergency Alert System (EAS) has developed from the old Conelrad system by way of the EBS system. At first it was a method of denying enemy aircraft the use of our broadcast stations as navigation aids. That grew to include the broadcast stations as methods of delivering the presidential messages, then as a method of delivering more local emergency messages. At every stage of the game, as more responsibility was placed on the broadcaster, less responsibility was taken by the Government. It has reached the point today where any EAS system that exists, anywhere, is a result of voluntary organization and participation by individual broadcasters and their local and state associations. Despite that, the unfunded mandate of the FCC requires the local station provide at their own expense, equipment and manpower to operate the system.

The addition of the AMBER alerts and additional use of EAS by the National Weather service has made this a totally untenable system, now overloading the broadcasters and in many areas confusing the emergency service providers. It is time that the federal government stepped back in to coordinate the system and provide the financial support to make it work.

In some areas, such as here in Nevada, the local volunteers have put together a working system, coordinated with the local authorities and the nearby areas. In others, there are no volunteers willing to step up and do work to make the system viable. The events of 9-11 and the addition of the AMBER alerts to the system, as well as further commitments from the National weather service have made the system better in the last few years but there still is a long way to go.

First, the federal government must step up to the plate and make a minimum effort to organize the system better under the Homeland Defense Act. As a political conservative, I feel this should be minimal, but necessary coordination while giving the state and local governments the flexibility to develop their own specifics for following the plan and making it work. The load must be taken off the backs of the broadcasters who have no power to assure compliance and often no budget to assist in compliance.

Federal Funding must be provided so that the broadcasters and local Emergency management does not bear the full load of compliance with the requirements of the new changes. Every week, one or more stations is cited by the FCC for failure to meet EAS equipment requirements, years after the system was implemented.

Only the Federal Government has the ability to coordinate efficiently across state lines to handle the needs of larger market areas. Here in Las Vegas, we have 3 other states and 8 other counties within the listening area of many of our radio stations.

Radio, TV and Cable systems have different needs, audiences and desires as to what they expect of EAS. Some smaller stations would only want to carry limited alerts to the specific areas they cover. All news operations might want to carry all alerts of any type to include weather watches as well as warnings, and even mild administrative messages that an entertainment station would not carry. Many Music stations feel that the excessive alerts common from the NWS or overzealous local emergency management create a "Boy who Cried Wolf" attitude toward the EAS. I am in agreement. With the added competition of Satellite radio, CD players, MP3 players and such the music stations are fighting for their very life. Current FCC rules only require carriage of the presidential messages, and required monthly tests. Many stations do only that. Some of the stations I am associated with carry warnings, but not watches and all have the option of allowing the operator to determine whether the particular alert received should be relayed or not. Usually that is done with intelligence, but in some cases egos overcome logic. New rules should not mandate carriage beyond certain limits but might provide incentives to encourage the carriage of the more serious warnings. A station that had showed good faith in EAS might be given some latitude or reduction in fines if found in apparent violation of FCC rules. The new rules should also limit the alerts that a station needs to relay, such that a smaller local station would not be relaying the same things as a larger higher powered regional station.

My suggestions follow;

1. Establish within the Homeland defense agency a position of EAS coordinator who's office would be responsible for helping to organize all the diverse EAS plans in the country into a workable nationwide plan. That office should also be tasked with assisting but not mandating, local agency participation in the system. Other federal agencies such as the NWS, DOT NOAA, Military, FBI, FAA, BLM, and Forest service must be included in this cooperative effort. On the state and local level, the Chief's/Sheriff associations, Governors office, law enforcement at all levels, public safety communications centers, and the public radio networks must be included. The local, state and National Broadcasters must be included in the EAS coordinators advisory boards. IN 1992 I was a member of the president's National Industry Advisory Council for the emergency Broadcast System. This group brought broadcasters from all over the regions and nations together to work out some problems and advise on the changes that were taking place at that time. Now 12 years later it's time to take the next step.

2. Provide federal funding for improvements in the system similar to the way the Civil Defense provided generators, shelters, equipment and technical assistance in the 60's, 70's, and 80's. This funding should encompass all broadcast stations and cable systems expected to carry the EAS alerts. The biggest single complaint I have received over the years from the broadcasters has been based on the "Unfunded mandate" concept of the existing systems.

This funding could be tied to minimum levels of participation by the stations applying for the funding.

3. Establish "Back Bone" Distribution systems such that any alerts originating from any source can be distributed with full information from the alerting agency to the broadcasters as well as other agencies clearly, accurately and without excessive reliance on radio stations interrupting normal programming. This should be highly redundant providing no less than two and ideally 3 or more ways in which each station and agency can receive the alarms. Use of VHF/UHF radio channels, intercity microwave links, the federal HF SHARES system, Satellite VSAT down links, internet connections, Fax distribution systems and systems similar to "Reverse 911" could assure that messages got through to everyone, every time without excessive dependence on the Local Primary radio stations. The cost of these systems should be born by the federal state and local governments who would be using them.

4. Concerning the technical methodology of the revisions to the EAS, it is important that the systems be state of the art today, without going to far into areas that will have little support or have not proven themselves to be of value in the long run. It would be bad to get into a system that would not be supported after a few years.

Any system should have some ability to be downward compatible with the existing system in such a fashion that an orderly transition may be made from the old system to the new system. Dependency on Broadcasters only will limit severely what the system is capable of doing.

5. On the state and local level, the Homeland Defense EAS coordinator should work to define specific responsibilities for activation of the system. In large urban areas the requirements will be different than in largely rural areas. Here in Nevada, The needs of Las Vegas are greatly different than those of Elko, Ely, Pahrump, or Winnemucca. The federal guidelines should not try force everyone in to the same mold, and must provide for the differences in each area. Nevada has few hurricanes or Tsunami's, but Alaska probably does not have the heat warnings that we have. All of the states would have Forest fires, Hazardous materials incidents, sever thunderstorms, Flash Floods or Local Area emergencies that would vary tremendously. This must be worked out locally but under the loose guidelines of the overall US plan.

6. To get the message out to the public, there are many options. This is no longer a good idea to be just a broadcaster's responsibility. There was a time when the broadcast radio and TV was the best method, but sadly that time has passed. Now we need to expand the alerts so that those listening to satellite radio, Cable televisions, and non broadcast systems can be alerted. A reverse 911 system could get the message to those who are not listening to anything at all. Text paging, E-mail alerts also would be useful, and people could sign up for which areas they wanted to receive. A good first step would be to encourage the availability to the consumer of radio's and TV's that would come on or change channel to show an alert. This can be simplified to provide only some form of indication that an alert was in progress so the narrow minded would not have their soap operas disrupted by mere lifesaving messages. The alert could be also used by other entities such as DOT text road signs, private business public address systems, school alerting systems and the NWS home receivers. Many of the large hotels and Casinos here in Las Vegas and through out the state have indicated the

willingness to put the messages from Amber alerts on their huge signs for all to see.

7. It is important to do this without placing undue hardship upon the broadcasters either in the amount of money they must spend to accomplish these objectives, or in the amount of their airtime that will be taken up. It is critical that the broadcasters be in control of their own air time with very limited exceptions. The difficulty here is with over zealous local emergency management that will create alerts to often just to hear their own voice. In many areas, the excessive number of repetition alerts have totally turned off the broadcasters on supporting EAS and have resulted in the stations not airing any alerts, rather than just being more discriminating in what they do air.

8. Those who are authorized to alert on this system must be held accountable and the alerting procedures must remain secure to prevent false alarms or intentional misuse of the system. With modern technology security should not be a problem.

9. Whatever systems are adopted for use, the basic concepts must be openly available to the public companies to develop. A dependence on a single company who may not remain in business, or may take the government mandate as a license to steal must be avoided.

10. Testing of the system should be limited to the backbone on a regular basis and the final Step in the chain, i.e. to the public, no more than once per month. Mandatory, documented training and refreshers of the operators at broadcast and other facilities should be a requirement.