

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

In the Matter of)
)
Review of the Emergency Alert System) EB Docket No. 04-296
)
)

To: Office of the Secretary

**SUPPLEMENT TO JOINT COMMENTS AND JOINT REPLY
COMMENTS OF THE
NAMED STATE BROADCASTERS ASSOCIATIONS**

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SUMMARY

The National Alliance of State Broadcasters Associations (“NASBA”) hosted an Emergency Alert System (“EAS”) Summit in Washington, Arlington, VA, on Saturday, February 26, 2005. The goal was to bring government authorities and broadcasters together to develop appropriate plans at the state and local levels to utilize broadcasters’ unique ability to communicate with the public in a crisis.

More than 175 critical emergency communications professionals, including State Broadcasters Association leaders, governor-appointed emergency management officials, State Emergency Communications Committee Chairs and members, and various federal officials attended the Summit.

Summit attendees agreed states must ensure that the Emergency Alert System is robust and that established communication protocols are in place in order to prevent disasters. NASBA assembled experts and materials to help educate attendees on the importance of registering their statewide EAS plans and assisted attendees with information to identify federal grants to upgrade existing systems.

The information below details the common problems experienced with EAS as well as practical and technological solutions to these problems. The State Associations understand the dynamic nature of emergency management and have arranged for regional meetings and a follow-up summit next year.

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Alabama Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Colorado Broadcasters Association, Connecticut Broadcasters Association, Florida Association of Broadcasters, Georgia Association of Broadcasters, Hawaii Broadcasters Association, Idaho Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, The New York State Broadcasters Association, Inc., North Dakota Broadcasters Association, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Rhode Island Broadcasters Association, South Carolina Broadcasters Association, South Dakota

Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Virginia Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, and Wyoming Association of Broadcasters (collectively, the “State Associations”), by their attorneys in this matter, and pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, 47 C.F.R. §§ 1.415, 1.419, hereby submit this Supplement to their Reply Comments, filed on October 29, 2004, and their Joint Reply Comments, filed on December 13, 2004, in response to *Notice of Proposed Rule Making (“NPRM”)*, FCC 04-189, in the above-referenced docket, released August 12, 2004, pertaining to the Commission’s Emergency Alert System (“EAS”).

I. INTRODUCTION

The National Alliance of State Broadcasters Associations (“NASBA”) hosted an Emergency Alert System (“EAS”) Summit in Arlington, VA, on Saturday, February 26, 2005. The goal was to bring government authorities and broadcasters together to develop appropriate plans at the state and local levels, to utilize broadcasters’ unique ability to communicate with the public in a crisis.

More than 175 critical emergency communications professionals, including State Broadcasters Association leaders, governor-appointed emergency management officials, State Emergency Communications Committee Chairs and members, and various federal officials attended the Summit.

Summit attendees agreed, states must ensure that the Emergency Alert System is robust and that established communication protocols are in place in order to prevent disasters. NASBA assembled experts and materials to help educate attendees on the importance of registering their

statewide EAS plans and assisted attendees with information to identify federal grants to upgrade existing systems.

The Named State Associations have summarized the following information gathered at the Summit and outlined the comments of several speakers below.

II. DISCUSSION

A. Initial Comments on EAS

1. Keynote Address: Ron Laney

The keynote address was delivered by Ron Laney, Office of Justice Programs, U. S. Department of Justice, and Member of the National AMBER Alert Advisory Board. Mr. Laney emphasized that broadcasters are the voice of the public, that success is where everybody comes to the table to make a difference, and that no one can do it by themselves. Mr. Laney also emphasized the necessity of having a plan in place before an emergency calls for action. From his perspective as a member of the National AMBER Alert Advisory Board, Mr. Laney reminded the Summit that when a child is missing, the first thing that is needed is a plan. Mr. Laney asked, “are we ready to answer the call?”

In reporting on the progress of AMBER Alert, Mr. Laney indicated that all 50 states now have AMBER Alert plans. There were only 4 plans before 2002, prior to the President’s Summit on AMBER Alert. Since then 195 children have been recovered, more than 80% of them since 2002, when AMBER became a nationally coordinated effort. The Justice Department has conducted two national AMBER Alert Conferences, as well as regional conferences. There will be AMBER Alert publications coming out, and the Department’s Best Practices Guide is being printed. Training is still a goal for all personnel in the AMBER Alert communications loop.

According to Mr. Lambert, we have to ask ourselves, “have we gone far enough, have we done everything we can, and what else can we do?” Because when a child is abducted, parents will ask “what are you going to do about this?”

2. Opening Remarks: Ann Arnold

Ann Arnold, President & CEO of the Texas Association of Broadcasters and then President of NASBA welcomed the attendees to the NASBA Summit on EAS. She set the stage for the day-long meeting, challenging the group to achieve the Summit’s goal of making sure that EAS is used to its fullest, to jump-start the planning and development of a true grassroots effort to maximize the effectiveness of EAS. “With the incredible system and technology we have, I wondered why it isn’t used better,” she commented.

3. Setting the Stage for a Workable EAS: David Barrett

David Barrett is President & CEO of Hearst-Argyle Broadcasting, and the new Chairman of the Media Security and Reliability Council II (“MSRC-II”). He described the mission and theme of MSRC as protection of facilities and preparedness, and that MSRC recognizes the importance and linkage that its mission has to EAS. The purpose of the MSRC-I was to identify problems and opportunities.

As he takes the helm of MSRC-I, he wants to explore the media’s ability to respond and create public awareness, not only of emergency information at the time of a crisis, but in advance, as part of the mission of ensuring preparedness. “In MSRC-II, we want to focus on the things that we can do here and now and one piece of that is EAS,” said Barrett. “We must continue to bring people together to identify best practices.”

Planning, testing and training are critical elements in emergency preparedness. Developing redundancy, backups and a vulnerability checklist are also very important. “Everybody believes they’re prepared, but no one is really prepared without testing,” Barrett noted. “If we elevate EAS in the mind of the public and raise awareness, people will be prepared and engaged.” Barrett also noted that AMBER Alert has served to protect children and can serve as a template for other uses.

4. EAS and PEP: Reynold Hoover

Reynold Hoover is the Director, Office of National Security Coordination, at FEMA. “Warnings mean different things to different people,” Hoover noted, “but, local broadcasters are the community-based organizations that tie their communities together.” It is important to strengthen the ability of broadcasters to provide warnings to the public through an integrated public alert and warning architecture.

In order to do so, Hoover said that FEMA is committed to upgrading the EAS Primary Entry Point (“PEP”) system to satellite based distribution and establishing a PEP station in all 50 states and the territories. In addition, it is important to begin working on a digital alert warning system using public broadcasting system and data casting as a backbone. First, we must prove the capabilities of the system, and then work on content. Right now testing has proved that we have the ability to transmit the messages using CAP or Common Alerting Protocol.

Hoover envisions an overall emergency warning system as “a system of systems:” PEP stations and an EAS backbone that are survivable, reliable, hardened and secure, plus PBS digital backbone, too. The elements of the system should be able to stand alone or work together. Once the system is proven, additional elements, such as geo-targeted warning by zip codes, reverse

911 technology, partnering with NOAA for all hazards radios for schools, education and outreach, and operator headspace and timing, can be developed and implemented.

He also mentioned the development of an all-hazards web portal, similar to the AMBER portal, which is being developed in a pilot project by the National Association of State Chief Information Officers. Hoover envisions such a system as capable of instantaneously delivering presidential messages to every broadcaster throughout the nation. He noted that, because of necessity and inevitability, the system will evolve, which could lead to the obsolescence of EAS encoder/decoder boxes.

5. Digital Alert Warning Pilot Project: Mark Erstling

Mark Erstling is Senior Vice President and Chief Operating Office of the Association of America's Public Television Stations. He described the pilot project involving the use of public television stations' digital signal to deliver emergency messages. This is a coordinated project between the Department of Homeland Security, the Association, and FEMA, using the public television satellite distribution system.

This pilot project will demonstrate how public TV stations can dramatically advance public warning in the event of a national emergency. The pilot project will test the send and receive capabilities of datacasting via the public TV satellite system and then over the air via the stations' digital channels. A number of important information providers are involved in the project, namely, cellular phone companies, broadcast radio and TV stations, the National Cable Television Association, Comcast, and XM Satellite Radio which have dedicated their resources.

The goal of the project is to reach as many people as fast as possible on every type of wireless device. Eventually, the system should be capable of sending text, graphics and audio files, and will still be able to send emergency information when other communications methods fail or cannot work.

6. Primary Entry Point Advisor Committee (“PEPAC”): Mark Manuelian

Mark Manuelian, Chair of the Massachusetts SECC and President of the Primary Entry Point (“PEP”) Advisory Committee made a presentation on the development and use of the PEP system. Originally, the PEP system of stations was a backup system to a telephone line connection to national networks that allowed Presidential messages to be broadcast nationally. It was never meant to cover the entire United States and PEPAC recognizes that the PEP system cannot provide the widest possible coverage. PEPAC is working with FEMA to provide a PEP station in every state and receivers to state emergency operation centers. Mr. Manuelian announced at the Summit that PEP messages also will now be delivered via commercial satellite radio.

Mr. Manuelian also indicated that there were some things that the PEP system needed from the Summit attendees. PEPAC needs the support of broadcasters and SECCs, and would like the PEP system to be included in every state EAS Plan. They also want to hear from people involved in EAS about their needs. He also indicated that PEPAC wants FEMA to do a test of the PEP system, perhaps regular weekly tests and he needed the assurances of EAS participants to FEMA that this would be appropriate.

7. National Weather Service (“NWS”): Herb White

Herb White is the Dissemination Services Manager of the National Weather Service. He told the Summit that the primary missions of NWS are forecasts and warnings, and providing dissemination of critical pre and post event information. In each state in which the Weather Service is involved in EAS, it tries to customize its involvement to the needs and requirements of state plan.

Mr. White described the NOAA “Haz-Collect” project. This system will be the front end for the collection, creation, authentication and entry of all types of non-weather emergency messages in a quick and secure fashion for subsequent alert, warning and notification purposes. Haz-Collect uses the common alerting protocol (“CAP”).

He was disappointed in the results of a survey of the capability of dissemination of tsunami warnings. Some tsunami vulnerable states have 100% compliance, but others have virtually none. This problem exists mostly because the FCC did not require faster installation of new event codes and state EAS Plans have not been updated to include new event codes.

He mentioned the following challenges that need to be addressed. We need to get stations to program all events. State EAS Plans need to be re-written and improved, new technologies must be integrated into EAS, and we must ensure that we use existing capabilities to their fullest, most efficient effect. He also noted that there is a need for more exact definitions of weather event codes. A set has been developed by Houston and accepted by NWS.

B. State and Regional Reports

1. State Reports

Representatives of each State reported on the current status of the Emergency Alert System in their state, and highlights of these reports are listed below.

- a. ALABAMA: Alabama has eliminated the daisy chain system and is now using the public TV and radio network as its EAS delivery system.
- b. ALASKA: They are working with Alaska Homeland Security, but the huge geographic base is a problem for delivering statewide notifications. They discovered that the EAS encoders/decoders at many stations had their filters set to bypass tsunami warnings, so now they will be testing to make sure decoders are set properly.
- c. ARIZONA: Arizona does not have a PEP station. AMBER Alert gave a huge boost to the visibility of the EAS in the mind of the public.
- d. CALIFORNIA: California has 23 Local Emergency Communications Committees and 23 local EAS plans. They have 35 LP-1 stations and 37 NOAA Weather Radio transmitters included in their plan.
- e. COLORADO: The Colorado state EAS plan was approved in 1997, and 11 of 13 local areas have approved plans. AMBER Alert has generated new interest in EAS in Colorado. They are working on reconfiguring their local areas to better represent geography of the state.
- f. CONNECTICUT: Their state plan was revised in 2001 and they are starting the next revision now, which will eliminate more of their daisy chain.
- g. DISTRICT OF COLUMBIA: Their unique problem is coordinating the three jurisdictions in which the stations' signals from each of the three jurisdictions serve all three areas. They will be moving to satellite distribution.
- h. GEORGIA: Georgia has a state EAS Plan and cooperation between broadcasters and NOAA has been very successful.
- i. HAWAII: Their EAS Plan is now statewide and they feel that EAS is doing well.
- j. ILLINOIS: The Illinois Emergency Management Agency is the backbone for the state EAS. They use NOAA Weather Radio to deliver AMBER Alerts, with the State Police as the activator. Chicago also has a 911 plan.
- k. INDIANA: The State Police is the entry point for AMBER Alert. More than 90% of Indiana stations have made the software updates for the new EAS event codes.

- l. IOWA: They use NOAA Weather Radio, but continue to use daisy chain, which has reliability issues. They are planning on using a fiber network eventually. They have 4 local area plans approved and are now working on training.
- m. KANSAS: Kansas has identified weaknesses in their network and they are rewriting their state plan. They are working with NOAA to get them the necessary equipment to integrate them into the system.
- n. KENTUCKY: Kentucky has a statewide plan and has reworked distribution of the warnings.
- o. LOUISIANA: They are using public broadcasting to distribute their EAS messages.
- p. MAINE: They have a statewide EAS Plan, but need to secure funding to make improvements.
- q. MASSACHUSETTS: They are in the second rewrite plan and EM-Net is coming. Their LP-1 stations operate in automatic relay mode.
- r. MARYLAND: They are revising their state plan and moving away from daisy chain to satellite distribution.
- s. MICHIGAN: Their Plan is approved and they are working on improving links. They will be doing an audit of stations' encoders/decoders to ensure that they are programmed correctly.
- t. MINNESOTA: Minnesota has done an audit of EAS units around the state. They are training end users for encoders/decoders. Their emergency management agency will have a mobile command point that can originate messages.
- u. MISSISSIPPI: They have technical limitations and their local emergency managers are not interested in using EAS. No station in Mississippi can access a PEP station.
- v. MISSOURI: Their state plan is in place and the Highway Patrol acts as the distribution point to get emergency information out to stations. They are working on protocols and training.
- w. MONTANA: Montana has a plan now although the emergency management people didn't want one. Their activation is done through NOAA.

- x. NEBRASKA: Their Plan has been in operation for long time. Stations monitor either NOAA Weather Radio or public TV stations. There is no PEP coverage in Nebraska. National alerts are received from the cue channel of public TV stations.
- y. NEVADA: They have strengthened the role of their state chair and have developed a training program that is continuous and ongoing. Training is provided for broadcasters and emergency managers.
- z. NEW HAMPSHIRE: The state Plan is on its 3rd revision, this time moving away from daisy chain distribution. Their biggest problem is to achieve “buy-in” from state officials and funding for state support.
- aa. NEW MEXICO: New Mexico is working on coordinating EAS with state and local authorities.
- bb. NEW YORK: New York City could not reach stations on 9/11, now the Mayor can reach stations through local NYC plan. There is also a brand new state plan with satellite delivery.
- cc. NORTH CAROLINA: North Carolina is on its 3rd plan revision. They will be adding EM net, although they have strengthened the daisy chain by adding “LP-3” stations.
- dd. OHIO: They have a state Plan and 12 local areas have a plan. They still use the daisy chain distribution system because of the lack of a statewide backbone system.
- ee. OKLAHOMA: Oklahoma has no PEP station. There are 3 EAS originators: NOAA, the Department of Public Safety and Emergency Management. They have one local plan and received a grant from SBC to enhance their distribution.
- ff. OREGON: They have had a state Plan since 1997 that has been rewritten once since then. Oregon Public Broadcasting is the distribution backbone. They have audited local areas and are rewriting all local plans.
- gg. PENNSYLVANIA: Pennsylvania has 320 EM-Net terminals. All 911 centers and broadcasters have terminals, and there are links to cell phones.
- hh. PUERTO RICO: Puerto Rico is currently reviewing its plan and is working to establish a relationship with new police authorities to develop its AMBER Alert Plan.

- ii. RHODE ISLAND: The New England states have a Memorandum of Understanding. The system is very robust, particularly with Rhode Island Emergency Management. They are working on adding more EAS activation points with a secure telephone to augment their system.
- jj. SOUTH CAROLINA: They have a state Plan, which is in revision. Their backbone is public radio.
- kk. SOUTH DAKOTA: South Dakota is in the 3rd revision of its Plan. NOAA and South Dakota Educational TV are used for EAS distribution.
- ll. TENNESSEE: They have completed their system testing and are developing a better relationship with emergency management. AMBER Alerts are activated through NOAA.
- mm. UTAH: They have a strong state Plan with NOAA linked into state program and increased entry points.
- nn. VERMONT: They have both a state Plan and an AMBER Alert Plan. Their daisy chain distribution system works well, but their mountainous geography is a problem. They also use stations from other states.
- oo. VIRGINIA: Their communication with state emergency management is great, including the state police and governor's office. They have new satellite equipment in LP-1 stations.
- pp. WASHINGTON: Washington uses a statewide microwave system as its backbone. All county emergency management agencies have encoders/decoders and are the originators of EAS messages. Broadcast stations do not originate EAS messages. The State Emergency Management Division has acquired EM-Net and will be putting EAS messages on it for stations that wish to receive them that way. The AMBER Alert Web Portal has worked very well.
- qq. WEST VIRGINIA: They have a statewide plan and work with NOAA and the state emergency services office.
- rr. WISCONSIN: Stations have been advised to program all new event codes for DHS alerts and they have been included in the updated State Plan. About 50% of local EAS areas have a local EAS Plan. They are working out an MOU with NOAA for local alert relays.

- ss. WYOMING: Wyoming has had a Plan since 1998 that was updated in 2002 to add an AMBER Alert Plan. They have good cooperation from NOAA.

2. Regional Reports

Listed below are the reports from the regional breakout sessions conducted at the Summit.

- a. Western States: All of the states have state EAS Plans and all have some areas with remote stations. These problems are shared by other states as well. They are planning to hold a Western States EAS Meeting, possibly at the NAB Convention in Las Vegas in April.
- b. Upper Midwest: All of the states have state EAS Plans. They discussed creating a mentoring program, but felt that the need was not there. They requested that a list of PEP stations gets out to broadcasters. Locating a PEP station to serve every state may not be necessary in each state. They suggested adding EANs to NOAA weather radio. They would like states with an AMBER Alert clearinghouse to make suggestions to states without one.
- c. Rocky Mountain States: A couple of states are terribly under funded, however broadcasters will undertake to implement and fund a Plan. Rural counties, vast distances, mountainous terrain and the “daisy chain” system create unique problems in make sure an EAS message is delivered comprehensively. Local agencies need training on how to activate EAS, and in some cases, have not installed their EAS equipment. The National Weather Service and NPR are good monitoring sources for stations in these states.
- d. New England: Some in this group thought that new technologies might push broadcasters out of traditional roles. There was a fair amount of discussion about old versus new technology and the gulf between broadcasters’ traditional roles and the current needs of emergency managers. They were also concerned about the impact of the FCC’s EAS rulemaking. In general, the New England region is in good shape. Some states have specific problems.
- e. Heartland: All of the states have state EAS Plans. In one case, a station refused a request to become the LP-1 station which caused a critical need in a large population area. Funding is needed to employ solutions to the problem of communication links to get the EAS messages out. The Heartland group is looking forward to technology providing some new solutions to that problem. They are using a variety of patches to make the system work now. The

greatest need is to provide for the continued involvement of NOAA Weather Radio.

- f. South Central: They have had bad problems with getting the states to be more involved. There are some very large territories to cover and distribution with complete statewide coverage is sometimes not possible.
- g. Northwest: All of the states have state EAS Plans, as well as local plans. These Plans have been reviewed and updated. Communication among everyone involved in EAS takes place on listservs. These listservs include station personnel, emergency management representatives from state and local levels, SECC members, the FCC, and anyone who has any connection with EAS in the state. Alaska has decided to create a similar listserv for their state. All of the states activate their AMBER Alerts statewide. The states are working toward standardized programming for EAS encoders. Broadcast engineers program EAS encoders in each area to ensure that event codes and filters are set correctly. Oregon sends a DMO alert prior to regular tests to make sure that transmitters are functioning. Washington and Oregon conduct training sessions for public and private sectors. NWS DMIS system was discussed and what it means to the groups involved in EAS. Concern was raised about the lack of authentication, the collision of multiple messages and the prioritizing of multiple messages. It was pointed out that DMIS doesn't complement EAS, but duplicates it and confuses everyone. DMIS needs to be developed with state/local emergency management and broadcaster input.
- h. Mid-Atlantic: All of the states have a state EAS Plan. Washington, D.C.'s is in draft form and they have tried to learn from those who have good performance. An overlay distribution system seems to work best and it is best to get away from daisy chain. Maryland deemed its system "good" while D.C. was characterized as "bad" for the time being. Virginia, West Virginia and Maryland indicated that they could use some help.
- i. Southeast: All of the states have state EAS Plans and AMBER Plans. Many of the states are using EM-Net, with several levels of communication among the stations. Most stations have issues with cable, such as over riding the TV signal of broadcast stations. Most of the states provide EAS workshops for training on an annual basis. They have found that many local emergency management agencies do not want the state emergency management agency to be a "gatekeeper" and the group felt that local participation should be encouraged.

C. Anecdotal Experiences with EAS

Two communities have been singled out as examples of problems with EAS. In both cases, the commonly reported facts are more “urban legend” than truth. NASBA invited broadcasters from Minot, ND and Syracuse, NY to address the Summit and tell in their own words what really happened.

1. The Minot Experience

Rick Stensby, General Manager and Allison Bostow, News Director of Clear Channel Communications’ stations in Minot reported on the train derailment that brought EAS and Minot radio stations into prominence. Many critics of local broadcasters have pointed to these events as evidence that stations are not serving their communities, saying that the stations were unstaffed and that on the night of the train derailment the police had tried to call the stations but no one answered. Of course, EAS works whether the station is operating attended or unattended, as it was specifically designed to do.

All of the Clear Channel stations in Minot thought they were in great shape. Their EAS equipment was installed and operating. NOAA had used it for weather alerts less than a month before the train derailment. On the night of the train derailment the primary alert station was staffed by an 18 year broadcast veteran. He received calls about the accident at the station and notified the station’s news reporter. The reporter went to the police department to find out what was going on.

Mr. Stensby later called the police chief who did not realize or know what EAS was or how it operated. On the night of the train derailment, the police department was trying to call the old EBS hotline that had been disconnected for six years. The police chief did not know EAS

could send messages. The police department had an encoder/decoder, but it was still in a box on a desk in the corner of the department. Clear Channel sent an engineer to Minot and he and the station engineer went to the police department, unpacked the encoder/decoder, hooked it up and trained the police department personnel on how to operate it. They also encouraged them to commence testing.

Stensby says that he continues to hear incorrect facts related to this incident. He said that the only official report of the incident was done by Transportation Department and it was replete with references to “EBS.” He left the Summit attendees with some important thoughts: You can know the station’s equipment works, that it’s tested and station personnel are trained, but if the emergency agency’s equipment is not installed and tested, and its personnel trained, the system will fail. He also reminded the Summit that it is a tough decision for local emergency agency to make EAS activation because they know that second-guessing will occur.

Bostow told the Summit that in order to avert similar problems in the future, they needed to get out into the community and work with emergency managers to keep the system up to date. “Once it’s working, don’t just put it on the shelf and assume it will continue to work,” she said.

2. The Syracuse Experience

Joel Delmonico, General Manager of WHEN-AM, Syracuse, and News Director Dave Bullard reported on the Northeast power outage and the EAS-related activities. They felt that they did all the right things with their on-the-air coverage. They talked to the mayor and emergency authorities. However, it was difficult to see the flow of information. Afterward, they looked at station internal procedures and determined that they had worked with emergency

management agencies, the station was prepared, the people trained, and concluded they were ready.

When they ascertained what happened outside the station they created a working group of local officials. They found a wide disparity of readiness, installation of equipment, and the like. Some were highly ready, others were not ready, and one used the EAS equipment to hang his coat on. The varying levels of preparedness were shocking even to the local officials. Sometimes counties lacked the knowledge to take the next step on their own, so stations have begun to work to see how they can help. To bring home the necessity of full cooperation, Delmonico had them come to station during EAS test to see what happens. Now they are writing a local plan for the area and they told the Summit how important it is at the local level to get people together and get plan going and to get situation turned around.

Delmonico and Bullard expressed the following, as lessons learned. They believe there needs to be more information flow up and down the chain from emergency managers to broadcasters and from broadcasters to emergency managers. They recommended that FEMA push information down to the local emergency managers' level to reinforce the idea that they should use local broadcasters to get the emergency alert out. Broadcasters need help from FEMA to make local emergency managers understand it's important for them to be involved in EAS. A FEMA representative responded that broadcasters need to go to their state's Governor and Emergency Management Director or state legislators to get more cooperation.

Delmonico and Bullard also reminded the Summit that there is no uniformity to the definitions of the criteria for any particular EAS alert event, what becomes an alert and what does not, compared to the very specific criteria for an AMBER Alert. They have been trying to

build uniformity of messaging within their system. NOAA is great partner who has already figured out the differences between watch and warning. Chris Murray, SECC Chair from Oregon, reiterated the lack of uniform criteria for events and told the Summit that the Oregon SECC had decided the main factors in making the determination would be “threat to life, health, property.”

D. Moving Toward A Solution

Summit participants discussed the pitfalls and inefficiencies of EAS, including recommendations for a more reliable system.

1. EAS: What Works and What Doesn't

Retired FCC EAS Chief, Frank Lucia, led a panel discussion that explored elements of EAS that work and identified those that do not work, or need improvement. A number of significant successes were identified. First, AMBER Alert was likened to “oil and zinc,” because it has been a great lubricator and galvanizer. AMBER Alert has served to raise the awareness of the public, broadcasters and first responders to the value of the EAS. Given the realization that the state EAS Plan is not a static document, but lives and evolves, requiring revision and updating on a regular basis, it is most useful to have the Plan in a loose-leaf binder so that it readily accommodates change. It is also essential to bring personnel from emergency management (the message content people) together with the broadcasters (the message transmission people).

A large number of significant needs for improvement were also identified in an effort to get more emphasis at the state and local levels. First, training must be ongoing and consistent. It should involve training of anyone involved in emergency management, including fire, police,

and sheriffs. Some felt that EAS is a partnership between broadcasters and emergency management, but that broadcasters must take the lead in training. Jim Gabbert opined that 90% of failures are on the input side, not the broadcast side, training must be recurrent, and FEMA could help by providing funding for training. A question was raised about what other methods are available for training. Clay Freinwald noted a Washington county has prepared a CD-ROM to teach its personnel how to use EAS.

Second, an overarching authority to oversee and direct EAS is needed, as the FCC used to provide. This would help to integrate federal, state and local emergency management into a solid system. EAS needs a federal “daddy.” Without such oversight, EAS was likened to a ship without anyone in the pilot house. Federal leadership is required to send direction, and help state and local participants who are struggling with their plans.

Third, dissemination or transmission of EAS was identified as a problem to be solved for many states. Jim Gabbert characterized it as a “legacy system” that needs to move to the next level using Common Alerting Protocol (“CAP”). It was felt that dissemination that eliminates the “daisy chain” and sends EAS messages directly to stations from the emergency management source would produce a better system as everyone gets the message simultaneously. Eliminating the daisy chain would also eliminate the need for LP-1 stations, and broadcasters would be relieved of the duty of originating messages. Clay Freinwald noted that we should not continue to tolerate the old “party line” system. There are ways to solve problems with the technology we have now. Local relay networks are a solution to make local, regional or city use of EAS. Washington has LP-1 stations mostly in name only because of direct delivery of EAS messages from emergency management sources to all stations simultaneously. Stations sometimes can’t

wait for emergency information because covering breaking news is a basic part of what broadcasters do for their community.

Fourth, there are a number of valuable resources available to SECCs. We need to recognize the role of State Broadcasters Associations in supporting EAS. The National Weather Service is essential as a partner in any EAS state Plan and must be integrated for states that have not already done so. FEMA has web pages loaded with important great information. It is up to us to forge relationships with our local and federal emergency agencies and part of that could be cooperatively developing event code descriptions and criteria.

A number of suggestions were made about the role of FEMA in EAS. For instance, it was suggested that FEMA could develop a web site to house EAS documents that could be shared, or create an e-mail support system or an SECC listserv set up by broadcast.net. It was suggested that each FEMA Regional Director should name an EAS coordinator and that FEMA should put EAS into NIMS. The FEMA representative at the Summit indicated that FEMA does not issue directives to state and local agencies, that FEMA is out of the business of funding for training and that function is now in the Office of Emergency Preparedness of the Department of Homeland Security. Additionally, the representative stated, that all the money goes to the states, so states are the ones to approach regarding funding. Legislation is probably needed to allow FEMA or other federal agency to become involved in the way broadcasters would recommend.

Fifth, overuse of EAS was a concern of many. The suggestion made in the FCC's EAS Notice of Proposed Rulemaking that participation might be mandated created a lot of concern. Broadcasters felt that participation must remain voluntary or EAS will become like a car alarm, which is ignored by most people as a mere annoyance.

Finally, it was mentioned that, emergency management agencies must recognize that emergency information is a resource to be managed. When new technologies are adopted don't just dump it on broadcasters and run. There needs to be participation, funding and training.

2. Funding Sources for EAS Equipment

Sean Madigan, a staff reporter for Congressional Quarterly and CQ Homeland, discussed his article, "Where's the Money?"

Hank Black, Assistant Director for Communications at the Maryland Emergency Management Agency noted numerous sources for funding EAS and/or warning or homeland security projects and programs. Specifically, he stated that the Department of Homeland Security have grant programs, including Citizen Corps, Emergency Management Performance Grants, Law Enforcement Terrorism Prevention Programs, State Homeland Security Programs, and Urban Areas Security Initiative. Disaster mitigation program grants are available and alert warning systems are eligible for them, although they require a Presidential disaster declaration. The Department of Health & Human Services also has a number of funding sources, including the Bio-Terrorism Cooperative Agreement and Health Resources Services Administration - elements of the Centers for Disease Control & Prevention. The Department of Justice provides a set of program guidelines and application kit at its web site: www.ojp.usdoj.gov.

It was also suggested that EAS participants and SECCs should work with state agencies, discover their state grants office, and find programs with grant awards similar to the needs of your organization. This is especially important since it was brought to the attention of the Summit attendees, that there will be less money to go around for next year.

a. EAS on a Shoestring Budget

Adrienne Abbot, Chair of the Nevada SECC, spoke to the Summit about creating a working EAS Plan on very little money. She noted that keeping the plan up to date is important and costs nothing. SECC Committee members change over time and it may be necessary to “grow your own” by first identifying potential new SECC committee members and getting them interested through involvement in EAS projects.

Your State Broadcasters Association can help you providing training, exposure, mailings, contacts, and can play a large role in support by providing resources. They can provide “heads-up” prior to tests and publish the schedule for RMTs in advance.

There is a high degree of turnover in both broadcasting and emergency management/first responders, so training should be ongoing. You can create partner buy-in by making sure they understand the process. A good way to do that is to bring partners into the station so they can see exactly what happens when they do an activation. The more the emergency managers are involved with the system, stations and broadcasters, the more comfortable they will be using the system.

3. Guidelines to Developing a Statewide EAS Plan

Clay Freiniwald, Entercom Seattle and Chair of the Washington SECC made a presentation on developing a state EAS Plan. He suggested the following guiding principles in creating a successful state EAS Plan.

First, creation of a committee is imperative. EAS management is not a one person job and requires participation, not just input from all EAS related factions. Everybody on the committee has a piece of the chore to get buy-in from the necessary participants. The leader must be strong and inspirational, someone who can bring people together and maintain focus.

This committee becomes the basis of the SECC. The SECC should meet no less often than every other month.

Next, don't reinvent the wheel. Use the wheels that others have invented and improve upon them. Develop a system of message distribution that works and write a plan around them. Keep it simple, remember who's reading it and when they're reading it (in an emergency, under stress). Consider geography and state border areas that are consistent with radio and television coverage and market boundaries but be less concerned about governmental boundaries. Never assume that the necessary participants are going to cooperate at all. Never assume that the LP-1 station will be attended at all times. Don't use the daisy chain distribution method if it is at all possible to avoid it. Stations should be the final link to the public. Don't call for EAS messages to be originated by broadcast stations. All messages should be created by EAS encoders at the government entity and come directly from government entities to all stations simultaneously. All messages should be distributed to stations via the EAS distribution backbone. Create a system where all stations get the messages simultaneously. Where possible, utilize existing communications systems, and background channels can be government or private systems. Look for opportunities to time share any existing communications infrastructure.

Third, all testing should be originated by the entity that originates the activations or is the source of emergency messages, i.e., government emergency agencies/NOAA, so as to provide training for emergency management personnel. Create a comprehensive testing mechanism that provides end-to-end testing at all levels (state and local)

Fourth, create a system to deal with monitoring assignments. The system should assure that the plan is up to date at all times, updateable, and that there is a mechanism for distributing

those updates. Consider putting the “boiler-plate” portions of the Plan in one section, and using tabs for items that change frequently, such as monitoring assignments, contact information, and the RMT schedule. The tabs should also list who’s responsible for updating that tab.

Fifth, create Local Area Emergency Communication Committees (LAECC) and make them do the work. Provide a structure for local EAS systems that meshes with the state plan. In fact, local plans can be spawned from the state plan. Provide for the distribution of the workload so that no one is overwhelmed with tasks. Remember, all of the SECC and other participants are volunteering their time.

Finally, no plan is perfect; remember plans are dynamic and constantly evolving so a mechanism is needed for making changes and improvements. Provide a mechanism for printing, distribution and updating. Organize the plan in 3-ring binder that will contain everything a person needs to know in one place, listing the areas of responsibility so that users will always know whom to go to for questions. You can go as far beyond Part 11 as you want and can take it as far as you need, to create as robust a system as possible.

4. Technological Enhancements to EAS

Dale Gehman, Pennsylvania SECC Chair made a presentation to the Summit on enhancements that are available for EAS. “There’s got to be a better way to do EAS than what you’re doing,” Gehman said. “If you’re still using the daisy chain system of distribution, replace it or you’re just asking for disaster. The daisy chain is 20 years behind the times.”

One distribution system that is available is EM-Net. It is a one-way, broadcast quality audio, direct via satellite system from state/local civil authorities direct to stations. It uses a digital encrypted network managed by SECC that provides broadcast quality audio and text

direct to the stations, and can do it in foreign languages. It also provides two-way messaging for pre, post and during EAS event messages. It provides verified delivery time and date receipt for event management and has the ability to monitor readiness status of all terminals. It can also send auto text to multiple sources, such as e-mail, pagers websites, cellular switching. An enhanced EAS network is the solution for emergency managers, broadcasters, and the country.

5. Cross Border Communications, Inter-operability and Interstate MOUs

Frank Lucia, retired Chief of the FCC's EAS efforts, discussed his experience in developing the Washington, D. C. EAS plan and devising a monitoring system that provided coverage in 2 states and Washington, D. C. Mr. Lucia noted that broadcasters have the ability to show policy makers the extent of their EAS efforts. Each station's encoder preserves a record of all activations/tests. These records are feathers in your cap and stations should gather up that information and present to policy makers about how much time and effort actually go on the air for EAS.

III. CONCLUSION

The efforts illustrated above are just the beginning of a new commitment on the part of the State Associations to ensuring the effectiveness of EAS. Prior to conclusion of the Summit, plans were developed for regional meetings amongst broadcasters and a follow-up Summit next year. In the interim, NASBA has also provided for an Internet repository for EAS information to be launched within the next few months, at www.easalert.com. The State Associations submit these comments to offer breadth to the record on EAS and make the Commission aware of the labors of broadcasters as they work collectively to enhance America's public warning system.

