

more meaningful alerts and warnings. Cox believes the Commission should adopt the Common Alerting Protocol (CAP) as a data-centric common EAS messaging protocol that could benefit the public tremendously without creating a substantial economic burden. Given that broadcast television and radio stations are in a transitory stage, Cox believes the Commission at this time should refrain from taking action that might inadvertently lock-in broadcasters but focus instead on the ultimate goal of a data-centric, digital public alert and warning system whose inherent flexibility and extensibility would ensure the delivery of effective emergency messages to all.

I. THE COMMISSION SHOULD WORK TOWARDS A DATA-CENTRIC, DIGITAL ALERT AND WARNING SYSTEM.

Digital media have the potential to deliver a promising level of alert and warning capabilities far beyond those of today's EAS. As the *Further Notice* recognizes, government and private industry projects are exploring the use of digital technologies to create an integrated public alert and warning system.³ Cox believes that the Commission should place a high priority on participating in these efforts and ensuring that digital standards are appropriately crafted. The Commission at this stage has an opportunity to help build-in the capability, flexibility, and extensibility to transform EAS into a dynamic messaging system.

Cox believes that the best way to guarantee an adaptable EAS and prevent the creation of a soon-to-be obsolete system is to establish data-centricity as a core principle. Digital television stations, for example, are geared to accommodate a data-centric alert system using capacity already built into digital data streams – and at little cost to the remaining transport load. APTS maintains that its datacasting uses very little of a station's digital capacity.⁴ As such, Cox is

² See *id.*, ¶¶ 12-15.

³ See *id.*, ¶ 13.

⁴ Association of Public Television Stations Comments at p. 3.

supportive of efforts such as APTS's and the Digital Emergency Alert System National Capital Region Pilot (demonstrating how digital television stations can act as a network capable of broadcasting data emergency information).⁵ As can be seen, digital signals and their flexible bit streams lend themselves to a more manageable insertion of emergency messaging, contrary to the almost brute-force manner of analog EAS message delivery.

A data-centric EAS more easily will allow policymakers to transform the message system into whatever the public may need or demand, and it would preserve the ability to make further changes in the future. Data-centricity would allow broadcast stations to handle many of the seemingly difficult policy concerns raised in the *Further Notice*. A data-centric digital public alert and warning system could give local broadcasters the ability to focus delivery of EAS alerts to the appropriate state and local audiences; help assure that persons with disabilities will be given access to alerts and warnings as other Americans; and improve the reception of alerts and warnings by non-English speaking persons. With broadcast stations transitioning to a digital-only platform, however, the Commission should recognize that data-centricity stands as an ultimate goal toward which policies should be set accordingly. Cox would urge the Commission thus to refrain in this transition period from adopting rules, no matter how well-intentioned, that might have the effect of locking-in the EAS to less-than-optimal standards that would deny the public a powerful alert system. Indeed, it is Cox's hope that the creation of a truly data-centric EAS largely would free policymakers from balancing the costs and benefits of certain measures so that they may mold EAS as public needs dictate.

⁵ See *Further Notice*, ¶ 13.

II. COX SUPPORTS “CAP” AS A COMMON MESSAGING PROTOCOL.

Currently the EAS is built on disparate systems, preventing emergency alerts to flow quickly and simultaneously over multiple platforms to first responders and the public. Because EAS messages are delivered through a relay system, lapses in the chain jeopardize the effectiveness of message transmission. EAS messages can and should be distributed directly to radio and television stations, which should improve the speed and forcefulness of distributing national, state and local alerts. Moreover, Cox believes a digitally-based alert system should ensure that emergency information is distributed simultaneously over multiple platforms. To do so, Cox agrees with others that the Commission should adopt a required common messaging protocol. A single, integrated interface that could be used to link the emergency manager and emergency notification and delivery systems would provide much needed interoperability to the EAS.

Cox supports adopting CAP as a common messaging protocol. By using a version of the XML data language that increasingly is used to transmit data over the internet and many other networks, CAP provides a data format that permits consistent emergency information to be sent simultaneously over multiple systems. The CAP format is compatible with existing alert formats and the EAS and also permits added capabilities, such as multilingual and multi-audience messaging and geographic targeting. As such, CAP would increase warning effectiveness, reduce costs, and simplify the warning activation process by eliminating the need for multiple interfaces.

In the *Further Notice*, the Commission seeks comment on how CAP could be used to ensure uniformity of alerts across multiple platforms (e.g., radio, television, and wireless media such as mobile phones and PDAs). Cox recommends that the FCC ask the Advanced Television

Systems Committee (ATSC) and National Radio Systems Committee (NRSC) to provide for a standardized signaling method and equipment for EAS in digital broadcast media to support CAP data. Cox also suggests that the Commission support efforts to keep CAP an open standard to ensure availability to all. Adopting such a standard will expedite the development of a more comprehensive and effective digital alert and warning system.

III. EAS PERFORMANCE STANDARDS AND REPORTING REQUIREMENTS ARE UNNECESSARY.

The *Further Notice* asks whether performance standards or reporting requirements are necessary to ensure that the public receives alert and warning in an accurate and timely fashion. Cox believes that such requirements are unnecessary, especially for messages delivered across multiple platforms. Because EAS alerts obviously are critical to the communities that broadcasters serve, radio and television stations have every incentive to relay alerts in an accurate and timely fashion. Cox agrees with the Commission that an effective public alert and warning system is an important and basic component of broadcasters' local public service obligations. Broadcasters have a longstanding tradition of being first responders to an emergency and have every incentive to continue to do so. Moreover, broadcasters compete and cooperate to air breaking news and emergency information. In such an environment, performance standards and reporting requirements add little value and very well may tend to undermine EAS effectiveness. Routine equipment testing by broadcasters is sufficient to help ensure the public receives alert and warning in an accurate and timely fashion.

In particular, performance standards are unnecessary for messages delivered across multiple platforms. Cox agrees with the Commission that the public alert and warning system should have built-in redundancy features and should use a variety of communications media so that officials can reach large numbers of the public simultaneously. As the Commission

recognized, using digital media, coordinated warnings can be sent over multiple platforms simultaneously. Such a system should render performance standards unnecessary to ensure timely and accurate public alert and warning.

IV. CLEAR DELEGATION OF RESPONSIBILITY IS FUNDAMENTAL TO AN EFFECTIVE EAS.

As the Commission describes in its *Further Notice*, and as evident by recent experiences, state and local governments can play an important role in delivering alerts and warnings. The Commission seeks comment on whether state governors should have the ability to use EAS facilities to disseminate emergency information, as well as how the FCC can best work with the states to help implement the EAS rules.

Cox respectfully requests that the Commission consider delegation of responsibility more broadly for any next generation EAS. Cox believes that the effectiveness of EAS is dependent upon the extent to which governmental agencies have a clear understanding of their management responsibilities and authority to activate an alert. Among the many possible activators of EAS could be the local fire chief, police, the governor, the National Weather Service and/or other authorities. Guidelines for who has the authority and the responsibility for activating alerts, from the myriad of authorities at the local, state, to the national level are critical to ensure effectiveness of EAS at the front end and to make sure that all necessary alerts are transmitted as soon as possible.

The absence of clear guidelines and responsibilities among the first activators of the EAS causes significant problems. Among the local, state, and national agencies and authorities, many are unaware of how, when or where to activate the alerts, and jurisdictional issues may arise in a metropolitan area with many potentially overlapping authorities that very well could lead to alerts “slipping through the cracks.” Even when multiple authorities or agencies initiate an EAS

alert, problems arise because they may provide conflicting emergency information to broadcasters. The Commission in concert with other government agencies needs to establish a mechanism to ensure that consistent, accurate information is provided to broadcasters so that they, in turn, can deliver the necessary information to the public.

The Commission accordingly needs to work closely with other federal governmental agencies such as the Federal Emergency Management Agency or the Department of Homeland Security (and possibly Congress) to delineate which agency in the government has overall authority over the emergency system. A clear protocol as to who initiates alerts, and when and how they should do it, is fundamental to the effectiveness of the EAS. Issues touching on local, regional, and/or national safety require a coordinated effort by all local, state, and federal governments. By establishing clear delegation of responsibility to the local, state and federal agencies and authorities, the government can ensure both the provision of accurate emergency information to the public and the avoidance of inadvertent omissions and confusion among authorities – in circumstances, it should be remembered, when time is of the utmost importance.

CONCLUSION

Cox appreciates the Commission's ongoing attention to the EAS and the care with which it is examining government and private industry EAS projects. Cox shares the Commission's desire to expedite the development of a fully integrated, state of the art, digitally-based public alert and warning system to further the public's essential interest in being promptly and accurately apprised of local, state, and national emergencies. Accordingly, Cox supports those proposals that specify clear delegation of responsibility to the local, state and federal agencies and authorities and are designed with the end goal of a data-centric, digital alert and warning

system, which would preserve broadcasters ability to deliver effective and timely emergency messages to the public.

Respectfully submitted,
COX BROADCASTING, INC.

By: 
Kevin F. Reed
Scott S. Patrick
Melissa A. Marshall

Its Attorneys

DOW, LOHNES & ALBERTSON, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 776-2000

January 24, 2006