

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: The Commission (filed electronically)

COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association (the “CBA”) hereby submits these Comments in response to the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned matter, FCC 05-191, 70 FR 71072, released November 10, 2005. The CBA is the trade association of the nation’s Class A and Low Power Television (“LPTV”) stations and represents the interests of those stations in legislative, regulatory, and judicial forums.

2. The purpose of the FNPRM is to assist the Commission in creating “a robust, state of the art, digitally based public alert and warning system.” See 70 Fed Reg 71073. The CBA supports the Commission’s goal and recognizes the need for a digitally based emergency alert system (“EAS”); however, this new system must be developed in such a way that LPTV and Class A stations can meet the Commission’s requirements without incurring unintended financial and regulatory burdens. Therefore, the FCC must allow for automated EAS distribution systems that may be monitored remotely; should not require video programming distributors to provide the same information for visual and aural EAS messages; and should not impose additional requirements for non-English EAS messages at this point in time.

LPTV and Class A Licensees.

3. The Class A and LPTV industries are distinctive in that they are not dominated by large, multiple station owners. Instead, these industries have a wide variety of station owners, including small, family-owned operations and minority, female and other owner groups whose representation falls short of their percentage of the general population. Class A and LPTV stations are also often licensed to small communities that cannot economically support a full power station. As authorized by the Commission's rules, LPTV stations often operate unattended during significant parts of their broadcast day, as do Class A stations outside of normal business hours when they must maintain a staffed main studio. These factors should be considered in structuring any new EAS rules.

4. LPTV and Class A stations are notable for their individualized local programming and serve a vital role in distributing emergency information to their communities. In fact, the Class A television service is the only class of broadcast service required by statute to broadcast a minimum amount of locally produced programming.¹ In addition, many LPTV and Class A stations serve niche audiences. Thus these stations are well-suited to respond to local emergencies, but within the scope of their staffing and economic capabilities.

Digitally Based EAS Must Be Automated.

5. Whatever distribution system the Commission decides to develop, it must operate automatically and be able to be monitored remotely. Many LPTV stations are unattended or operated remotely during substantial blocks of time. If any new system requires an operator to be in attendance, it will force many stations to shut down. Thus sufficient emergency

¹ See Sec. 336(f)(2)(A)(i)(II) of the Communications Act.

information must be embedded in the digital EAS header to allow automated equipment to fulfill any requirement that requires an immediate response by a station to an emergency message.

Requirements for Captioning of Emergency Information.

6. The Commission should not require video programming distributors to provide the same information for visual and aural versions of EAS messages unless the digital message stream as received by the station includes sufficient information to generate both an aural message and a visual display on an automated basis. As the Society of Broadcast Engineers has noted, "to provide a visual message identical to the audio feed, providers would have to transcribe the feed accurately and in real time into a character generator...for which very few television stations...have the resources." FNPRM, at para. 79. This statement is particularly true for Class A and LPTV stations, as a transcription requirement would require a live person as well as equipment and would not permit unattended operation. The CBA believes that the existing requirements for video programming distributors to provide the EAS header information and to provide critical non-EAS emergency information in both visual and aural form are sufficient to ensure that everyone, including those with disabilities, have access to emergency information.² In the case of an automated EAS response, it should be sufficient for the station to display a visual slide or crawl that alerts hearing impaired viewers that an emergency is in progress, and they must ask someone for assistance.³

² Even if a digital EAS message included enough data to allow generation of both aural information and a visual display, care must be taken not to require stations to purchase prohibitively expensive hardware and software.

³ Another possibility is that the slide or crawl could instruct hearing-impaired persons to tune to a full-power station that might have more detailed information. That approach would meet the needs of those persons except for a very narrowly focused local emergency that might be ignored by a full power station at some distance from the community. Where emergencies are really serious, however, full power stations usually respond.

Foreign Language Emergency Information Requirements.

7. The CBA also believes that there does not need to be additional requirements for the provision of emergency information in non-English languages. As noted above, LPTV and Class A stations are uniquely attuned to their communities and are able to determine how best to reach their audience, especially when these licensees service niche communities where a large number of residents speak non-English languages. The key issue, however, is that an unattended Class A or LPTV station cannot provide translation services for an emergency message; and even if a staff member is present, there is no assurance that he or she will have translation skills. A requirement for non-English language EAS messages must be limited to situations where the foreign language information is included in the automated system. EAS equipment could then be programmed to select a foreign language data stream if it matched the language of most of the station's programming. Individual stations cannot possibly have simultaneous translation staff on call 24 hours a day, 7 days a week.

Digital EAS Compliance Deadline.

8. Because of the limited financial constraints faced by LPTV and Class A stations, including the impending cost of the digital transition, the CBA respectfully requests that the Commission extend the proposed compliance date from December 31, 2006 to December 31, 2007. LPTV and Class A licensees need to have affordable equipment available, and that is more likely to happen if they are allowed time after manufacturers have met the initial demand from full power stations.

Conclusion.

9. The LPTV and Class A industries understand the need for a new digital EAS as the digital transition progresses. However, the Commission must be realistic in applying any new

requirements so as not to overburden LPTV and Class A stations financially or make it impossible for them to take advantage of modern automation technology by implementing a system that requires staff presence to transcribe information for visual display or to provide language translation.

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