

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Recommendations of the Independent Panel) EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina)
On Communications Networks)
)

To: The Commission

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

**NATIONAL ASSOCIATION OF
BROADCASTERS**

Kelly Williams
Senior Director
NAB Science & Technology

1771 N Street, NW
Washington, DC 20036
(202) 429-5430

Drew Shenkman
Melissa Slawson
NAB Law Clerks

Marsha J. MacBride
Jane E. Mago
Ann West Bobeck

August 7, 2006

TABLE OF CONTENTS

Executive Summary	i
I. Introduction.....	1
II. The Commission Should Continue Its Proactive Leadership Role In Facilitating Emergency Preparedness And Post-Disaster Coordination.....	4
III. The Commission Should Continue to Work With Industry To Further Refine Voluntary Disaster Readiness Checklists	5
IV. The Commission Should Endorse The Communications' Personnel Credentialing Proposal Set Forth By The National Security Telecommunications Advisory Committee.....	8
V. Broadcasters Look Forward To Working With The National Coordinating Center For Telecommunications And Urges The Commission To Facilitate Industry Participation In Federal Programs	12
VI. The Commission Should Continue Its Efforts To Improve Public Warning For Persons With Disabilities and Persons Who Do Not Speak English	14
VII. Conclusion	14

Executive Summary

The National Association of Broadcasters (“NAB”) hereby files comments in response to the *Notice of Proposed Rulemaking* regarding the recommendations of the Hurricane Katrina Independent Panel (“Panel”). NAB joins the Panel in applauding the Commission for its efforts to improve public warning and coordinate communications resources to ensure timely dissemination of emergency information. As noted throughout the Panel’s report, the Commission worked tirelessly during the days immediately following Katrina to make communications infrastructure operational as quickly as possible. NAB urges the Commission to continue its leadership role in communications coordination. As the expert agency in communications, the Commission should coordinate federal outage and infrastructure reporting requirements during times of crisis. And to assist in communications restoration efforts, the Commission should consider implementing disaster-response websites, expediting regulation waiver requests, and continue to grant Special Temporary Authority in limited circumstances.

Like first responders, broadcasters serve a key leadership role in public warning and are committed to serving their local communities in times of crisis as a lifeline service provider. NAB agrees with the Panel that there are voluntary proactive steps that all communications providers should take to ensure readiness for the next emergency, many of which are already being implemented. Through use of industry-created checklists, such as those developed by the Media Security and Reliability Council (“MSRC”), broadcasters will be ready to respond to critical aspects of their operations that are prone to failure or disruption during a disaster. The MSRC checklists encourage broadcasters to develop a disaster recovery plan, in-studio preparation, and terrestrial transmission preparation and response. Given broadcasters’ commitment to their communities, it is not necessary to make the checklists mandatory.

Voluntary checklists afford broadcasters the necessary flexibility to respond to dynamic challenges major disasters may pose. We look forward to working with the Commission to further refine the checklists in order to improve their effectiveness.

NAB also agrees with the Panel's recommendation to expand the National Security Telecommunications Advisory Committee's ("NSTAC") proposal for a national credentialing standard for communications repair workers. Credentialing would grant communications infrastructure providers assured access to affected areas post-disaster to make repairs and provide relief communications workers. It would also allow broadcasters uniform access to affected areas in order to bring vital lifesaving information to the public, as well as ensuring public safety in the disaster area. Thus, NAB urges the Commission to coordinate with other federal agencies to include broadcasters and other communications providers as designated emergency responders for purpose of federal and local emergency plans. Additionally, NAB urges the Commission to facilitate broadcaster eligibility for federal programs such as Government Emergency Telecommunications Service ("GETS"), the Wireless Priority Service ("WPS"), Telecommunications Service Priority ("TSP").

Finally, as lifeline service providers, broadcasters recognize the importance of keeping all Americans informed of disasters and important public safety information. NAB will work with the Commission to explore how local, state and federal agencies, through the voluntary cooperation of broadcasters, can better serve persons with disabilities and persons who do not speak English, while simultaneously assuring the timely dissemination of emergency information.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Recommendations of the Independent Panel) EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina)
On Communications Networks)
)

To: The Commission

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. Introduction.

The National Association of Broadcasters (“NAB”)¹ submits these comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-captioned proceeding.² NAB applauds the Commission for its efforts to improve public warning and coordinate communications resources to ensure timely dissemination of emergency information. The response of the Commission during and after the storm was highly responsive to the pressing recovery needs of the entire communications industry, including broadcasters. As the Independent Panel (“Panel”) noted throughout its report, the Commission worked tirelessly during the days immediately following Katrina to get communications infrastructure operational

¹ NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and the Courts.

² In the Matter of Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina On Communications Networks, EB Docket No. 06-119, June 19, 2006 (“*Notice*”).

as quickly as possible.³ The Commission granted special waivers allowing quick repairs and coordinated communications recovery efforts. The Panel, through the leadership of Nancy Victory, should also be commended for its thorough reporting of the problems associated with Hurricane Katrina and their proposed responsive solutions to better prepare the Commission and the communications industry for the next emergency.

Keeping the public informed of national, state and local emergencies is the hallmark of broadcasters' public service. Broadcasters are committed to serving their local communities in times of crisis as a lifeline service provider. This was proven by the ceaseless dedication to serve the public post-Katrina. Broadcasters were heroic in their live news coverage and dissemination of relief supplies in effected areas, even as the waters rose and station facilities were deluged.⁴ Station employees worked around-the-clock to restore service and provide emergency and shelter information. State Broadcaster Associations provided much-needed resource and local-government coordination.

Outside the disaster zone, NAB coordinated several relief efforts. For example, NAB partnered with the Louisiana and Mississippi State Broadcasters to distribute 1,300 battery-operated handheld television sets to public safety officials assisting with Hurricane Katrina relief efforts.⁵ NAB also partnered with the Salvation Army and American Red Cross to distribute

³ Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Report and Recommendations to the Federal Communications Commission, June 12, 2006 ("Independent Panel Report")(Online available at <http://www.fcc.gov/eb/hkip/karrp.pdf>).

⁴ See National Association of Broadcasters, Snapshot of Broadcasters' Efforts (Online available at <http://www.broadcastunity.org>).

⁵ See National Association of Broadcasters, Broadcasters Offer Portable TVs To First Responders In Hurricane Katrina Relief Efforts (Online available at http://www.nab.org/newsroom/pressrel/Releases/090705_HurricaneKatrina_TVHandsets.htm).

10,000 battery-operated handheld radios to the residents displaced by Hurricane Katrina.⁶ NAB and AmeriCorps launched a new radio public service campaign aimed at recruiting AmeriCorps members to assist mobilization of volunteers in the hurricane-ravaged region.⁷ And NAB, along with stations across America, banded together and raised more than \$200 million in hurricane relief aid. Ninety-six percent of television and radio stations participated in fundraising for Hurricane Katrina relief.⁸ Many stations gave up valuable airtime to broadcast telethons and encourage listeners and viewers to donate money and disaster relief supplies such as food, clothing, and water.⁹

Given the challenges that broadcasters faced in the wake of Hurricane Katrina, NAB supports many of the Panel’s recommendations. As discussed below in detail, NAB specifically endorses the recommendation that, during times of crisis, the Commission (1) is the appropriate agency to coordinate communications’ federal outage and infrastructure reporting requirements; (2) should create disaster-response websites; (3) continue to expedite regulatory waiver requests and Special Temporary Authority (“STA”) grants; (4) work with industry to further refine resources such as emergency preparedness checklists; and (5) facilitate intra-agency coordination

⁶ See National Association of Broadcasters, Broadcasters Offer Portable TVs To First Responders In Hurricane Katrina Relief Efforts (*Online available at* http://www.nab.org/newsroom/pressrel/Releases/090605_HurricaneKatrina_Radiohandsets.htm).

⁷ See National Association of Broadcasters, New Hurricane Katrina Radio PSAs Help Recruit AmeriCorps Members, (*Online available at* http://www.nab.org/newsroom/pressrel/Releases/092105_HurricaneKatrina_AmeriCorpsPSAs.htm).

⁸ See National Association of Broadcasters, National Report on Broadcasters’ Community Service, (*Online available at* <http://www.broadcastpublicservice.org/images/nationalreport/NationalReport2006.pdf>) at 6.

⁹ *Id.*

to ensure the national credentialing and availability of federal resources and programs for communications personnel.

II. The Commission Should Continue Its Proactive Leadership Role In Facilitating Emergency Preparedness And Post-Disaster Coordination.

The Commission took a widely acclaimed and critical role in helping to restore communications infrastructure in the wake of Hurricane Katrina.¹⁰ The Commission stayed open 24 hours a day during the height of the hurricane recovery, responding to the varied needs of communications providers.¹¹ The agency streamlined its waiver and special temporary authority processes to speed repairs – a step that was essential for communications providers to get the Gulf Coast running again.¹² NAB agrees with the Panel’s recommendation that the Commission continue its proactive leadership role for communications providers in emergency preparedness, post-disaster and emergency response. Thus, NAB supports the Panel’s recommendation that the Commission “coordinate all federal outage and infrastructure reporting requirements in times of crisis.”¹³ As the expert agency, Commission coordination is both a logical and natural fit.

To facilitate this leadership role, NAB supports the Panel’s recommendation to better coordinate emergency response through the creation of Commission disaster-response websites.¹⁴ Such web-based coordination will enable communications providers to synchronize with state and local emergency management contacts in the post-disaster recovery. Specifically, it will offer repair workers the information necessary to restore communications functions as

¹⁰ Independent Panel Report at 20.

¹¹ *Id.*

¹² *Id.*

¹³ *Notice* at ¶ 9.

¹⁴ *Id.* at ¶14.

quickly as possible. Additionally, NAB urges the Commission to continue its efforts to streamline waiver processing and provide for automatic grants of Special Temporary Authority (“STA”) to ensure that during times of crisis, the Commission is well positioned to be responsive to communications infrastructure restoration. To that end, NAB looks forward to working with the Commission, and its newly formed Public Safety and Homeland Security Bureau in implementing the Panel’s proposed regulatory relief measures, including online waiver applications.¹⁵

III. The Commission Should Continue to Work With Industry To Further Refine Voluntary Disaster Readiness Checklists.

The Panel report recommends that broadcasters should utilize voluntary checklists, such as those developed by the Media Security and Reliability Council (“MSRC”) to facilitate emergency preparedness.¹⁶ NAB agrees. The MSRC checklists guide broadcasters in developing disaster recovery plans, in-studio preparation, and terrestrial transmission preparation and response. By using these checklists, broadcasters will be better prepared to identify and respond to critical aspects of their operations that are prone to failure or disruption during a disaster.

The Commission asks whether the MSRC checklists are adequate to prepare the communications industry for the next emergency.¹⁷ Additionally, the Commission queries as to

¹⁵ Independent Panel Report at 32-33.

¹⁶ See Media Security and Reliability Council, Local Radio Station Model Disaster Recovery Plan & Incident Response Manual, “Appendix B: Model Radio Vulnerability Checklist,” at 41 (Nov. 30, 2005) (*Online available at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-262742A4.pdf); Media Security and Reliability Council, Local Television Station Model Disaster Recovery Plan & Incident Response Manual, “Appendix B: Model Television Vulnerability Checklist,” at 41-45 (Nov. 30, 2005) (*Online available at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-262742A5.pdf) (“MSRC Checklists”).

¹⁷ Notice at ¶ 8.

the applicability of the Panel's recommendations to all types of natural disasters, including tornadoes, hurricanes, forest fires, as well as other incidents such as terrorist attacks, flu pandemics and industrial accidents.¹⁸

NAB submits that the myriad of potential disasters identified by the Commission underscore the need for voluntary private-public cooperation in disaster preparedness. Even the most carefully crafted checklist may be unable to fully prepare broadcasters for catastrophic events, where, for example, station personnel may be drastically reduced for extended periods. Disaster recovery plans, thus, must be flexible to allow future pooling of resources to maintain public warning and the timely dissemination of information. Use of flexible, voluntary checklists, developed by industry, along with regularized emergency training (including disaster simulation exercises), will best ensure disaster preparedness.

Indeed, the record demonstrates that the checklists developed by MSRC were beneficial before, during and after Hurricane Katrina. The checklists help stations to prepare for operational problems such as the loss of power, transmission facility failures and other requirements such as backup fuel for generators.¹⁹ The checklists also encourage stations to seek alternative broadcast methods and resources in the event their own signals are disrupted, enabling stations the flexibility needed to get back on the air quickly when they are needed the most.²⁰ Prior to Katrina, the parent companies of many broadcast stations incorporated many of the MSRC checklist recommendations into their operational models. Clear Channel Radio is just

¹⁸ See In the matter of Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Public Notice*, Request for Comment on Applicability of Recommendations to All Types of Disasters (rel. July 26, 2006).

¹⁹ MSRC Checklists at 41-43.

²⁰ *Id.*

one example.²¹ Before the storm hit, Clear Channel engaged its stations in the storm's probable impact area through email lists, phone chains, hurricane preparation checklists, and implemented contingency and emergency operation plans during the loss of normal services.²² Clear Channel also staged essential broadcasting supplies and engineers just outside of the path of the approaching storm, such as transmitters, generators and portable towers.²³ On the television side, WWL-TV and WDSU turned to webcasting, an innovative tool used to inform the evacuated New Orleans population.²⁴ The stations also allowed their signals to be carried by other television stations in region in order to reach evacuated residents.

Though many stations suffered major damage, through the pooling of company resources, planning, and pre-positioning of key supplies, stations were able to broadcast as quickly as possible in order to serve the public.²⁵ And industry continues to refine its emergency preparedness. For example, Clear Channel recently established a Disaster Assistance and Response Team ("DART").²⁶ Through DART, Clear Channel has propositioned essential disaster response materials and supplies in a number of cities to form backup hubs.²⁷ Thus, the

²¹ Oral Testimony of Steve Davis, Sr. Vice-President Engineering, Clear Channel Radio, Inc., Before the FCC's Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Tr. at 75 (Jan. 30, 2006) (*Online available at* <http://www.fcc.gov/eb/hkip/transc1.pdf>) ("Oral Testimony of Steve Davis").

²² *Id.* at 77.

²³ *Id.*

²⁴ Scott Fybush, *Call 'em crazy, call 'em heroes – they kept radio going during Hurricane Katrina*, Inside Radio, August 30, 2005.

²⁵ *Id.* at 79-80.

²⁶ Jeffrey Yorke, "Clear Channel Expands Readiness Capability," *Radio and Records.com*, July 7, 2006.

²⁷ *Id.* The hub cities are Tulsa, Philadelphia, Orlando, San Diego, Atlanta, and Sacramento.

goals of the voluntary MSRC checklists that were carried out by Clear Channel during Katrina continue to be enhanced and highlight the potential positive impact such flexible checklists can have on the broadcast industry.

Because of broadcasters' commitment to serve their local communities, there is no need to impose mandatory checklists. In addition, these checklists should remain voluntary so that broadcasters are able adapt to dynamic situations while simultaneously serving the public. An inherent problem in regulating or codifying checklists is that not every recommendation is feasible or practical for every station in every situation. Resources such as equipment and personnel vary greatly within the broadcast industry. And even the best-prepared station may be knocked off the air, or unable to access its transmission equipment. What is critical is that, collectively, every broadcast community has a plan in place that provides enough flexibility to ensure continuity of service. NAB thus urges the Commission to continue to facilitate industry-developed toolkits, such as the MSRC checklist, on a voluntary basis.

IV. The Commission Should Endorse The Communications' Personnel Credentialing Proposal Set Forth By The National Security Telecommunications Advisory Committee.

NAB agrees with the Panel's recommendation to expand the National Security Telecommunications Advisory Committee's ("NSTAC") proposal for a national standard for credentialing communications repair workers to include repair workers of all communications infrastructure. As noted above, the MSRC checklists were helpful during last year's disasters, but Checklists alone cannot overcome all foreseen obstacles. For example, in the wake of Hurricane Katrina, broadcasters operating with emergency back-up generators were hampered by

the inaccessibility of fuel needed to keep the generators operational.²⁸ A national credentialing of communications personnel could alleviate fuel, access and other resource shortages.

As the next hurricane cycle has already begun, NAB urges the Commission to follow the Panel's recommendation to expeditiously coordinate with the Department of Homeland Security ("DHS") and the Federal Emergency Management Agency ("FEMA") to develop national credentialing requirements, in compliance with NSTAC guidelines. This would enable communications infrastructure providers and their contracted workers to access affected areas post-disaster, and encourage states to do the same.

The record shows that communications providers, including broadcasters, need a way to better work with federal and state responding agencies so that their employees and repair contractors can be differentiated from looters or others who are interested in visiting a disaster site, yet lack a real purpose for being there.²⁹ Left without proper security during the aftermath of Hurricane Katrina, several broadcasters in the Gulf Coast region had their bolted down generators taken.³⁰ These thefts prevented stations from resuming broadcast in a timely fashion.³¹ Additionally, communications infrastructure repair crews had great difficulty crossing the perimeter to access their facilities in need of repair.³² This included equipment that was

²⁸ Independent Panel Report at 17-18.

²⁹ Oral Testimony of Steve Davis at 85.

³⁰ Independent Panel Report at 18.

³¹ Oral Testimony of Steve Davis at 85.

³² Independent Panel Report at 16; *see also* Federal Support to Telecommunications Infrastructure Providers in National Emergencies: Designation as "Emergency Responders (Private Sector)," The President's National Security Telecommunications Advisory Committee, Legislative and Regulatory Task Force, at 7 (Jan. 31, 2006) ("NSTAC Report").

crucial to restoring broadcast coverage in the areas where Federal, State, and local agencies were staging their operations. In the aftermath of Hurricane Katrina, Federal authorities expected communications infrastructure providers to repair networks damaged by the storm; however, they did not provide them with the resources necessary to do so, such as access.³³

Further, inconsistent access authorization policies delayed repair crews throughout the Gulf Coast region.³⁴ In many cases, different checkpoints required different documentation and credentialing before permitting access to areas in need of repair service.³⁵ Communications infrastructure repair crews were not clear about which agency to seek access credentials from, and when they attained them, were not clear about which credentials would work at various locations.³⁶ Moreover, once repair crews attained access to certain areas, curfews and other security procedures interrupted repair work. In one instance, law enforcement personnel forced communications technicians to cease work at a crucial moment in order to enforce a curfew.³⁷ While these practices are necessary to maintain public safety, they hindered important repair efforts. NAB contends that there is no better way to avoid this type of future delay in getting

³³ The President's National Security Telecommunications Advisory Committee, Legislative and Regulatory Task Force, *Federal Support to Telecommunications Infrastructure Providers in National Emergencies: Designation as "Emergency Responders (Private Sector),"* at 4.2 (Jan. 31, 2006).

³⁴ *Id.* FEMA letters authorizing access to restricted areas were changed repeatedly. Wireless technicians and emergency response workers were consequently delayed in getting access to damaged cell sites because local law enforcement agencies were not aware of FEMA authorization, did not respond appropriately to access letters, or did not know when they were able to allow recovery crews into the areas.

³⁵ Independent Panel Report at 16.

³⁶ *Id.*

³⁷ *Id.* at 17.

broadcast stations operational as quickly as possible than by including broadcasters (as well as other communications providers) in a national credentialing standard.

In addition to the implementation of a national credentialing standard, broadcasters, as well as other communications providers, must be given formal status in state and federal plans.³⁸ Although broadcasters are integral lifeline service providers, bringing the public vital emergency information, they are not currently defined as emergency responders under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the National Response plan.³⁹ Thus, broadcasters are ineligible to receive non-monetary Federal Assistance such as security protection for critical facilities, mandatory access to fuel, and personnel access to effected areas.⁴⁰ In January 2006, NSTAC recommended that the President direct the appropriate departments and agencies to take necessary steps to improve access to disaster areas.⁴¹ These steps include development of a working definition of the term emergency responder for the purpose of federal and local emergency plans.⁴² Similarly, in an Executive Order, the President directed the Commission to adopt rules to ensure that communications systems have the capacity to transmit alerts and warnings to the public as part of the public alert and warning system.⁴³

³⁸ Where the Commission believes it may lack authority to act, NAB urges the Commission to work with other federal agencies, such as DHS and FEMA, as well as the Executive Office, in order to facilitate emergency preparedness for communications providers.

³⁹ Independent Panel Report at 17.

⁴⁰ *Id.* at 17-18; NSTAC Telecommunications and Electric power Interdependency Task Force, *People and Processes: Current State of Telecommunications and Electric Power Interdependencies*, January 2006, Section 6.0 (“NSTAC Taskforce”).

⁴¹ NSTAC Taskforce at Section 6.0.

⁴² *Id.*

⁴³ Exec. Order No. 13,407 Sec. 3 (b)(iii) (June 26, 2006).

Including broadcasters and other communications personnel in the designation of emergency responders will accomplish the goals of the President's Order and will help ensure that communications infrastructures be entitled to fuel supply, security, and site access to ensure priority restoration.⁴⁴

For the aforementioned reasons, NAB urges the Commission to endorse the guidelines recommended by the NSTAC, and coordinate with DHS and FEMA designate broadcasters and other communications as emergency responders for the purpose of federal and local emergency plans and facilitate the national credentialing of communications personnel. This will greatly facilitate broadcasters' ability to make necessary repairs quickly in times of crisis and to ensure continued broadcast coverage to the effected community.

V. Broadcasters Look Forward To Working With The National Coordinating Center For Telecommunications And Urges The Commission To Facilitate Industry Participation In Federal Programs.

As the Panel recognized, broadcaster and other communications providers' representation on the National Coordinating Center for Telecommunications ("NCC")⁴⁵ is essential so that broadcasters can play an active part of the coordination between federal agencies and others in the communications industry. Under direction of the DHS, the National Communication System ("NCS") coordinates communications emergency support functions in the event of an emergency.⁴⁶ The NCS manages the NCC, comprised of numerous federal bodies and 36 member companies in the industry.⁴⁷ The NCC meets on a regular basis during non-

⁴⁴ *Id.*

⁴⁵ Independent Panel Report at 36.

⁴⁶ *Id.* at 19.

⁴⁷ *Id.* The NCC industry group comprises of numerous telecommunications wireless, wireline, and technology companies; however, there is no broadcast industry representation. *See* National

emergencies, to better plan and coordinate efforts for when the next unexpected event occurs. During and after Katrina, the NCC met daily, monitoring and coordinating the network recovery efforts and aiding in information sharing between industry providers.⁴⁸ NAB is currently working with NCC to ensure that broadcasters are represented on the NCC.

In addition to the NCC, there are a number of federal programs for priority communications services during and following an emergency.⁴⁹ These programs include the Government Emergency Telecommunications Service (“GETS”), which prioritizes a user’s ability to complete wireline telephone calls; the Wireless Priority Service (“WPS”), enabling a user to get access to the next free channel when making a wireless call; and Telecommunications Service Priority (“TSP”), which allows a user to get priority restoration and provisioning of communications services.⁵⁰ As the Panel reported, broadcasters currently are not eligible for any of these priority programs, each of which would be an enormously beneficial aid in restoring communications infrastructure after an emergency.⁵¹ In order for broadcast infrastructure repairs to be completed as quickly as possible in a post-emergency environment, it is essential that broadcast personnel and contractors be afforded the best possible tools with which to restore service. Therefore, NAB urges the Commission to work with other federal agencies so that broadcasters be made eligible for GETS, WPS, and TSP so that they may respond to emergencies in our communities as quickly and efficiently as possible.

Coordinating Center for Telecommunications (NCC), <http://www.ncs.gov/ncc/government/industry> (accessed July 17, 2006).

⁴⁸ Independent Panel Report at 19.

⁴⁹ *Id.* at 21; *Notice* at ¶14.

⁵⁰ Independent Panel Report at 21.

⁵¹ *Id.* at 36.

VI. The Commission Should Continue Its Efforts To Improve Public Warning For Persons With Disabilities and Persons Who Do Not Speak English.

As NAB has previously noted, broadcasters recognize the importance of keeping all Americans informed of disasters and important public safety information.⁵² This includes persons with disabilities and persons who do not speak English. Through the use of live news coverage and the Emergency Alert System (“EAS”), broadcasters ensure that local communities have timely access to critical, life saving, information. Broadcasters remain committed to working with federal, state and local officials to explore ways to improve this service.

NAB has supported and continues to support various efforts to improve EAS. In an effort to facilitate use of EAS, the Commission should continue to consider the issues raised by the *Minority Media and Telecommunications Council, et al.’s Petition for Immediate Interim Relief*.⁵³ NAB is committed to working with the Commission to explore how local, state and federal agencies, through the voluntary cooperation of broadcasters, can better serve persons with disabilities and persons who do not speak English while simultaneously assuring the timely dissemination of emergency information.

VII. Conclusion.

NAB thanks the Commission for its dedication to protecting Americans in the face of staggering devastation. Without the Commission’s efforts to assist broadcasters in delivering emergency information to those areas affected by Hurricane Katrina, many more lives may have been lost. Further, we applaud the work of the Panel and stand behind its recommendations. NAB urges the Commission to adopt the recommendations of the Panel. For the aforementioned

⁵² In the Matter of Review of the Emergency Alert System, *NAB Comments In Response To Petition For Immediate Interim Relief*, EB Docket No. 04-296, filed Oct. 14, 2005.

⁵³ In the Matter of Review of the Emergency Alert System, *Petition for Immediate Interim Relief*, EB Docket No. 04-296, filed Sept. 20, 2005 (“*Petition*”).

reasons, it is imperative that the Commission continue its leadership role in emergency preparedness, act as the lead agency for communications infrastructure restoration during times of emergency, work with other Federal agencies to establish a national credentialing standard and include communication infrastructure providers in the “emergency responder” designation and facilitate and continue its support of voluntary checklists in keeping with MSRC’s recommendations. The paramount duty of broadcasters is to serve their local communities, especially during times of emergency. Implementation of the Panel’s recommendations will help ensure that broadcasters are able to perform their function as lifeline service providers and fulfill their duty to the American public.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**



Kelly Williams
Senior Director
NAB Science & Technology

1771 N Street, NW
Washington, DC 20036
(202) 429-5430

Drew Shenkman
Melissa Slawson
NAB Law Clerks

Marsha J. MacBride
Jane E. Mago
Ann West Bobeck

August 7, 2006