

**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 INDEPENDENT SPANISH BROADCASTERS ASSOCIATION,
OFFICE OF COMMUNICATION OF THE UNITED CHURCH OF CHRIST, INC., AND
THE MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL**

The Independent Spanish Broadcasters Association (“ISBA”), the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council (collectively, “Commenters”) respectfully submit these Comments in response to the *Notice of Proposed Rulemaking* issued in the above-captioned proceeding.¹

I. Introduction

The Commenters commend the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (“Independent Panel”) for its Report and urge the Commission to act expeditiously on the recommendation to ensure that non-English speaking persons have access to public warnings as part of Emergency Alert System (“EAS”).² In particular, the Commission should adopt the Commenters’ proposal, incorporated into the 2005

¹ Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Notice of Proposed Rulemaking*, EB Docket No. 06-119, FCC 06-83 (rel. June 19, 2006) (“*NPRM*”). These Comments represent the institutional views of each of the Commenters as opposed to the individual views of each of Commenters’ members, directors, officers or advisors.

² INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE KATRINA ON COMMUNICATIONS NETWORKS, REPORT AND RECOMMENDATIONS TO THE FEDERAL COMMUNICATIONS COMMISSION, at v, 27-30, and 40-42 (June 12, 2006) (“*Report*”).

EAS Further Notice of Proposed Rulemaking, to provide for the broadcast of EAS messages in other languages in addition to English.³

II. Background

As the Independent Panel found, providing emergency information to non-English-speaking people during Hurricane Katrina and its aftermath was “a major challenge.”⁴ Indeed, hundreds of thousands of Latino and Vietnamese people lived in the area affected by Hurricane Katrina and the consequent flooding, which left people with nothing but the clothes on their backs.⁵ Many Latinos and Vietnamese in these communities had little to no advance warning that this country’s worst natural disaster in recent history was at their doorstep. Finding medical facilities, shelter, food, and potable water was a matter of life and death for thousands of non-English speakers in Katrina’s aftermath. More broadly, tens of millions of Americans are not fluent in English throughout the United States and there are no media outlets broadcasting in their languages in many large cities. Alternatively, such media outlets as do exist are so few in number that damage to one outlet would deprive the market of broadcast communications in one or more of the market’s most widely spoken languages. As the Commenters have previously observed, there is an easy, readily achievable means to address this critical issue immediately.

In the aftermath of Hurricane Katrina, the Commenters filed a Petition for Immediate Interim Relief seeking revision of the Commission’s EAS rules to ensure that non-English speaking persons have access to emergency information during times of local, state and national

³ Review of the Emergency Alert System, *First Report and Order and Further Notice of Proposed Rulemaking*, EB Docket No. 04-296, 20 FCC Rcd 18625, 18657-58 ¶81 (2005) (“*EAS Further Notice*”).

⁴ Report at ii.

⁵ Consular authorities from Latin American countries estimate that as many as 300,000 people from Mexico, Central American and several South American nations reside in the affected areas. See Diego Cevellas, *Thousands of Latin American Immigrants Among Katrina’s Victims*, International Press News Agency (Sept. 5, 2005), <http://www.ipsnews.net/news.asp?idnews=30150>.

emergencies.⁶ The Commenters' Multilingual EAS Plan provides several specific and immediate steps that the Commission can adopt to insure the widespread availability of multilingual critical emergency information to those who are not fluent in English. On November 10, 2005, the Commission released a *First Report and Order and Further Notice of Proposed Rulemaking* in the EAS proceeding.⁷ Although the Commission did not resolve the issue of how to deliver critical emergency information to non-English speakers, the Commission recognized the importance of this issue and specifically sought comment on the Multilingual EAS Plan in the *EAS Further Notice*. The Commission observed further, “[u]ntil we address these issues, we encourage that multilingual emergency information be provided in areas where a significant proportion of the population has its primary fluency in languages other than English.”⁸

III. The Commission Should Heed the Independent Panel's Call for Multilingual EAS

In its Report, the Independent Panel urged the Commission to address these issues promptly and help ensure that all Americans “including those . . . who do not speak English, can receive emergency communications.”⁹ To that end, the Independent Panel implored the Commission to: “[p]romptly find a mechanism to resolve any technical and financial hurdles in the current EAS to ensure that non-English speaking people . . . have access to public warnings, if readily achievable”; work with industry to publicize “best practices” for serving non-English-speaking people; and “[e]ncourage state and local government agencies who provide emergency information . . . to take steps to make critical emergency information accessible” to non-English-

⁶ See *Petition for Immediate Interim Relief*, EB Docket No. 04-296, at 7-10 (filed Sept. 22, 2005) (“*Petition*”). The plan proposed in the *Petition* is hereafter referred to as the “Multilingual EAS Plan.”

⁷ See *supra* note 3.

⁸ *EAS Further Notice*, 20 FCC Rcd at 18658 ¶81.

⁹ Report at 41.

speaking Americans.¹⁰ In the instant *NPRM*, the Commission seeks comment on these recommendations and expressly notes that the introduction of multilingual alerts into the current EAS is the subject of the ongoing *EAS Further Notice*. The Commission states, “we expect to address these and related issues in that proceeding.”¹¹

The Commission should act promptly. Under the Multilingual EAS Plan, the Commission would: (1) require that EAS PEP stations air Presidential level messages in both English and Spanish; (2) require that state and local EAS plans designate a “Local Primary Spanish” (“LP-S”) station to transmit emergency information in Spanish in local areas where a substantial portion of the population has its primary fluency in Spanish; (3) require that state and local EAS plans also designate a “Local Primary Multilingual” (“LP-M”) station in local areas where a substantial portion of the population has its primary fluency in a language other than English or Spanish; (4) require that at least one broadcast station in every market monitor and rebroadcast emergency information carried by the local LP-S station and, where applicable, the local LP-M station; (5) require that stations remaining on the air during an emergency, broadcast emergency information in Spanish and in languages used on the LP-M station, if one exists (at least as part of their broadcasts) if the local LP-S or LP-M stations lose transmission capability; and (6) encourage all broadcasters to assist local LP-S and LP-M stations to return to the air under such circumstances.¹² The cost of the Multilingual EAS Plan to English language broadcasters would be minimal inasmuch as ISBA members’ stations have volunteered to feed

¹⁰ *Id.*

¹¹ *NPRM* at ¶18.

¹² *See Petition* at 4, 13-16. Commenters further urged the Commission “during and after an emergency, to post on its home page in real time a link to a list of PEP, LP-1, LP-S and LP-M stations remaining on the air.” Reply Comments of Commenters, EB Docket No. 04-296, at 5 (filed Oct. 18, 2005).

Spanish-to-English translations of emergency information to affected stations in markets adjacent to the ISBA members' stations.¹³

Further, to the extent technically feasible, the Commission should also incorporate the provision of multilingual emergency information in the development of any alert and warning system to be deployed on other technologies. As EAS evolves, it is critical that all public warnings are available to non-English speaking people. While no single communications technology has 100% market penetration, all technologies combined have very close to 100% penetration, and all technologies combined also deliver much-needed redundancy in reaching the public through many channels in an emergency.

IV. Conclusion

For the reasons discussed above, the Commenters urge the Commission to act on the recommendations of the Independent Panel and promptly adopt Commenters' Multilingual EAS Plan to expand the current EAS to require delivery of multilingual emergency information.

Respectfully submitted,

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¹³ See *Petition* at 17.