

**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	)	

**JOINT COMMENTS OF THE  
NAMED STATE BROADCASTERS ASSOCIATIONS**

The Alaska Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Colorado Broadcasters Association, Connecticut Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, New Jersey Broadcasters Association, New Mexico Broadcasters Association, 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, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Washington State Association of Broadcasters, 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 jointly submit Reply Comments in response to the Commission *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding.<sup>1</sup>

### **Discussion**

Hurricane Katrina exposed critical defects in the nation's emergency communications infrastructure, which can and should be addressed with all deliberate speed. The State Associations applaud the Commission's efforts to improve this infrastructure by convening the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks ("Independent Panel") and initiating this proceeding. While the State Associations, along with virtually all participants in this proceeding, generally support the Independent Panel's recommendations, the State Associations specifically urge the Commission to ensure that broadcasters are fully integrated into disaster planning and response initiatives and afforded sufficient flexibility to fully serve their local communities and the larger public interest at all times. Broadcasters continue to play an essential role in providing critical emergency information to the public, which the Commission should recognize and support.

During and following Katrina, broadcasters throughout the Gulf region – under the leadership of the Alabama Broadcasters Association, Florida Association of Broadcasters, Louisiana Association of Broadcasters, and Mississippi Association of Broadcasters (collectively, the "Gulf States Broadcasters"), as well as the Texas Association of Broadcasters – worked tirelessly to provide the public with critical, lifesaving information, despite catastrophic conditions and significant risk. Dedicated staff worked around the clock to fulfill their

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<sup>1</sup> *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 (June 16, 2006) ("NPRM").

commitment to public service. Yet, as evidenced by the Comments filed by the Gulf States Broadcasters, broadcasters were unable to fully leverage their stations' capabilities. Specifically, the Gulf States Broadcasters note that before, during, and following Katrina, (i) station employees were not credentialed or classified as "emergency responders," and thus denied access to their facilities; (ii) broadcasters were often excluded from disaster planning initiatives to the detriment of public information efforts; and (iii) the Emergency Alert System was poorly utilized by officials, hindering the dissemination of such vital emergency information as evacuation instructions and post-storm guidelines.

The State Associations urge the Commission not only to recognize the leadership of these Gulf-region state broadcasters associations, but also to give strong and favorable consideration to the Comments of the Gulf States Broadcasters. Given the Gulf States Broadcasters' recent experiences, they are well-positioned to evaluate the ways in which broadcasters can be more fully integrated into the nation's emergency communications infrastructure. In order to address the issues identified by the Gulf States Broadcasters, the State Associations support the Independent Panel's recommendations that the Commission facilitate (i) the classification of communications workers – and particularly broadcast industry workers – as "emergency responders," and the adoption of appropriate credentialing procedures for these workers; (ii) the integration of broadcasters into both governmental and industry-led disaster planning and response initiatives; and (iii) the more effective use of EAS capabilities by, among other things, educating local, state, and federal officials with respect to the availability and capabilities of EAS. The State Associations also concur with the National Association of Broadcasters that the Commission should (i) coordinate federal outage and infrastructure reporting requirements; (ii) create disaster-response websites; (iii) continue to expedite regulatory waiver requests and

Special Temporary Authority (“STA”) grants; (iv) work with industry to further refine resources such as emergency preparedness checklists; and (v) facilitate intra-agency coordination to ensure the availability of federal resources and programs for communications personnel.

At the same time, the State Associations agree with the vast majority of commenters that the Commission should eschew new “one-size-fits-all” regulatory mandates in favor of voluntary, industry-led solutions implementing the Panel’s recommendations. In particular, the State Associations urge the Commission to avoid imposing added EAS obligations on broadcasters, and instead to work with broadcasters to improve EAS in a cooperative fashion. The State Associations are eager to continue to explore, for instance, how EAS might be modified to better serve persons with disabilities and persons who do not speak English. Given the evident commitment of broadcasters to improving EAS and the emergency communications system as a whole, new regulatory mandates are simply unnecessary and would likely prove counterproductive; broadcasters will be able to most effectively meet the public’s need for critical information if they are afforded sufficient flexibility with which to fully serve their local communities and the larger public interest.

Through the State Associations, broadcasters are already working diligently to make EAS as reliable and effective as technology permits. On February 26, 2005 and February 25, 2006, the National Alliance of State Broadcasters Associations (“NASBA”) hosted EAS summits widely attended by officers of the State Associations, Chairs of the State Emergency Communications Committees, Homeland Security representatives from the states, and representatives of federal agencies such as the FCC and FEMA. These summits are tangible evidence of the dedication and commitment that the State Associations have toward creating a better EAS for the benefit of all Americans. Yet, the summits are but two examples of the

countless instances in which the State Associations have been actively involved and taken leadership roles in the mission to design and implement an emergency alert system that is reliable and effective on a national and state-by-state basis.

The State Associations are intent on fulfilling the purpose of these original summits – to improve broadcasters’ ability to serve as the lifeline of information to the American public in times of crisis; to ensure that every state in the U.S. has a robust, operable EAS; to expand the discussion beyond initial EAS alerts to encompass follow-on emergency communications and information dissemination; and to begin an examination of the security and reliability of the American broadcasting infrastructure. To that end, the State Associations have committed themselves to hosting future summits on EAS and related topics. The State Associations recognize that it will take a consortium of expertise from several sectors to fully grasp the issues and propose pragmatic solutions. The State Associations will continue to facilitate discourse amongst the key players in EAS and will keep the Commission informed of their progress.

### **Conclusion**

For the reasons discussed above, the State Associations urge the Commission to implement the Independent Panel’s recommendations in a manner that will ensure that broadcasters are fully integrated into disaster planning and response initiatives and afforded sufficient flexibility with which to fully serve their local communities and the larger public interest.

Respectfully submitted,

**NAMED STATE BROADCASTERS ASSOCIATIONS**

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