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

In the Matter of:	)	
	)	
Review of the Emergency Alert System	)	EB Docket No. 04-296
	)	
Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief	)	

COMMENTS OF VERIZON[1] ON THE FURTHER NOTICE OF PROPOSED RULEMAKING CONCERNING THE EMERGENCY ALERT SYSTEM

As the Commission continues the process of improving and updating the Emergency Alert System ("EAS"),[2] the Commission should avoid requirements that impose undue complexity on EAS participants, including video providers, and that would undermine the successful, unified approach currently employed by the Commission. While modest revisions could help to ensure that the EAS effectively serves all Americans including certain at-risk populations, the Commission should reject misplaced and burdensome new obligations that would make EAS warnings, as a whole, less effective.

In its *Further Notice*, the Commission seeks comment on what steps could be taken to ensure that the EAS effectively serves non-English speakers and people with

[1] The Verizon companies ("Verizon") participating in this filing include the regulated, wholly owned affiliates of Verizon Communications Inc.

[2] *See Review of Emergency Alert System,* Second Report and Order and Further Notice of Proposed Rulemaking, EB Docket No. 04-296 (rel. July 12, 2007) ("*Further Notice*").

disabilities. As explained below, the most sensible role for video providers in serving these populations would be a requirement to pass-on appropriately crafted messages. As appropriate, these messages could include both written and audio warnings and could be sent in both English and Spanish, provided that the originator of any message supplies the messages in those formats and pursuant to accepted standards. Moreover, in areas where concentrations of other non-English speakers warrant additional steps, State and Local EAS plans could designate responsible over-the-air broadcasters to carry warnings in other languages, and video providers should be permitted to elect not to interrupt the programming of those broadcasters in the event of an emergency. By taking that step, non-English speakers would be able to tune into that particular broadcaster to receive alerts in the designated language. These steps would ensure the widespread dissemination of warnings in a variety of formats that would be understandable to the public, but without introducing unnecessary and counterproductive complexity into the EAS.

The *Further Notice* also asks for comment on the proper role, if any, for state and local officials in connection with the EAS. Rather than balkanizing the EAS by vesting individual local officials with the right to trigger mandatory EAS warnings, the Commission should require that all warnings at the state or local level be coordinated by the governor, or his or her designee, who could ensure that reasonably localized warnings are distributed in an efficient and consistent manner.

1. Modest Steps That Take Into Account the Important, But Limited, Role of Video Providers in the EAS Would Benefit Non-English Speakers.

In the *Further Notice*, the Commission sought suggestions on ways to improve the effectiveness of the EAS in providing alerts to individuals whose primary language is not English. *Id.* ¶ 72. As the *Further Notice* seems to recognize, the best chance for achieving that goal would result from increased coordination between state and local officials familiar with the needs of the local population and local over-the-air broadcasters positioned to meet those needs. As a practical matter, video providers' role in serving these populations should be limited to passing on these broadcasters' signals, as well as the general alerts sent over the EAS.

As an initial matter, the Commission should recognize that video providers serve the EAS well by quickly and efficiently distributing EAS alerts to the public. The current EAS relies on a multi-level, "daisy-chain" distribution approach, "in which stations relay emergency messages from one to others." *Further Notice* ¶ 11 n.39. Within this system, the role of video providers – and the primary area within their competence – is monitoring the system for alerts and then serving as a conduit for distribution of these messages in a timely manner. As a practical matter, any deviation from this role – such as any requirement to translate or otherwise repackage or alter an alert – would likely undermine the overall effectiveness of the EAS by injecting unnecessary complexity that inevitably would lead to confusion and delay. For example, in order to ensure that alerts are delivered in a prompt manner, most providers rely heavily on automated systems to distribute messages in a uniform manner pursuant to generally-accepted standards. Any requirement to alter the content of alert messages would be inconsistent with this

approach. Moreover, video providers are not well-positioned to alter alert messages, such as by performing translation services. A requirement to do so would impose substantial new burdens on providers who are unlikely to have employees with the capability of translating or altering messages. And, given the "daisy-chain" approach used by the EAS,[3] it would make little sense to ask each individual video provider to do so, thus unnecessarily multiplying both the burdens on participants and, significantly, the potential points of failure in the system.

Rather than imposing new obligations on video providers to ensure that non-English speakers receive messages in other languages, the Commission should instead ensure that the messages being sent through the system effectively address such people. Two primary steps would be effective in this regard.

First, given the significant segment of the population whose primary language is Spanish, the Commission could require the originators of EAS messages, at least in areas with large Spanish-speaking populations, to transmit alerts in both English and Spanish. In order to avoid confusion and technical problems, and given the inability for a video provider to know which customers would benefit from Spanish translations, a single message should include both the English and Spanish versions in audio and text formats (as well as any other information that must be transmitted). Video providers would then be able to effectively and quickly distribute these messages to the public.

Second, as the Commission suggested in the *Further Notice*, a potentially effective way to address other populations of non-English speakers may be to rely on increased coordination between state and local officials and local, over-the-air

[3] *See Further Notice* ¶ 11.

broadcasters. Rather than attempting to draw difficult lines between which populations make up a "substantial portion" of a local area, the Commission should assign such efforts to state and local officials who are more familiar with the needs of a local community. These officials and the broadcasters in their area should be encouraged to coordinate efforts and to designate particular over-the-air broadcast stations as the local primary station for particular non-English languages, as determined appropriate under the circumstances. So, for example, state and local officials may determine that a community would be well-served by having a designated station transmit alerts in Portuguese during an emergency and reach agreement with a local broadcaster to provide that service. After reaching such an agreement, the state and local officials should be permitted to include such designations within their EAS plans. For broadcast stations so designated, the Commission should permit video providers to carry those stations without interruption during an EAS event, just as the Commission's rules currently permit where broadcasters and cable operators agree to do so. *See* 47 U.S.C. § 11.51(h)(4).

These sensible steps would create additional avenues for notifying non-English speakers of emergency alerts, but without placing impractical, complex or disruptive new obligations on video providers.

2. Video Providers Should Pass On Both Audio and Text Feeds for EAS Alerts For the Benefit of Persons with Disabilities and Others.

A similar approach also makes sense as the Commission considers steps that could be taken to improve the reach of the EAS to persons with disabilities. As in the case of non-English messages, video providers have an important role in the dissemination of EAS alerts, but a limited role in message origination. Any requirements that would have a video provider alter or reformat the alerts that it receives are likely to

cause more harm than good. Therefore, at least with respect to these providers, any changes to the Commission's rules should focus on obligations to transmit EAS messages in all formats received.

As discussed above, video providers are well-positioned to monitor for, and then deliver, EAS messages in a timely manner. Any obligation to take additional steps, such as reformatting or otherwise altering messages is beyond the competence of most video providers, and injects potential delay and opportunity for confusion. In order to increase the effectiveness of EAS alerts for people with disabilities who subscribe to video services, therefore, the Commission should focus its efforts on the formats in which the originators of alerts supply those alerts to video providers. For example, many concerns would be addressed if all EAS alerts were provided in both audio and text format, pursuant to uniform standards, which video providers could then pass on to their subscribers. Any additional obligation placed on video providers that would require them to alter or reformat messages, on the other hand, would increase the complexity and potential points of failure in the system.

3. State and Local Alerts Should Be Handled by the Governor or Another Designated State Official.

Finally, the *Further Notice* asks whether local officials – in addition to state governors or their designees – should have authority to initiate mandatory EAS alerts. They should not.

In its recent order, the Commission extended to governors or their designees the ability to trigger mandatory EAS alerts. At the same time, however, the Commission recognized that "requiring EAS Participants to receive emergency alerts directly from state political subdivisions, such as counties and cities, could be unduly complex and

costly and would create the potential for some alerts to reach those who may not be affected by a particular emergency." *Further Notice* ¶ 56. In fact, the Commission has long recognized the potential for local emergency notifications to "conflict or interfere with" the federal EAS.[4]

The Commission's concern over extending mandatory EAS requirements to local officials was well founded, and it should not do so now. Many video systems, including all of Verizon's systems, span many different political subdivisions within a state. So, for example, Verizon's system that serves Keller, Texas, also serves all of the other communities receiving FiOS TV in the Dallas-Ft. Worth area. In light of this situation, providing local officials with the authority to initiate mandatory alerts would have several negative consequences that would undermine the overall effectiveness of the EAS.

First, alerts triggered at the local level may be inconsistent with, and may in fact interrupt, the activation of State EAS alerts. For example, if the mayor of one community triggered an alert for a potential tornado in that community, that alert could tie up the system's EAS capabilities and prevent the video system, which serves a broader area, from being able immediately to transmit a weather alert of more general applicability that the governor of the state seeks to send to a wider range of communities within that local area.

Second, any increase to the number of officials permitted to initiate an EAS alert, would also increase the risks that the security of the system would be breached, and would also create additional points of failure for the system. So, for example, the

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[4] *See Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503, ¶ 33 (1997).

chances would increase that improper alerts could be sent to tie up the system at a time when legitimate alerts were needed.

Third, given that many communities may be served by a single system, allowing local officials to send mandatory EAS messages could result in irrelevant messages being sent to large numbers of subscribers, thus causing unnecessary alarm and confusion for subscribers in the unaffected communities. At the same time, by sending repeated, irrelevant messages to multiple communities, the overall effectiveness of the EAS would be undermined because subscribers could become desensitized to EAS messages, and less likely to pay attention when they really need to.

Finally, authorizing local officials to trigger alerts could cause substantial confusion, both for subscribers and for video providers. For example, if a severe weather system moved through an area and multiple local officials triggered separate alerts at the same time, the video provider may be unable to differentiate or prioritize these messages, and could deliver a cascade of overlapping alerts that may contain inconsistent or even conflicting messages. Moreover, if one community triggered an alert, other officials – potentially including state officials trying to send a more general alert – may be stuck in a queue waiting for processing and transmission until the first alert is finished.

For these reasons, the Commission should not vest local officials with authority to trigger EAS alerts. Instead, the Commission should encourage local officials to work closely with other state and local officials to coordinate handling of the messages at the state and local level through the State EAS plan. This approach would allow a single state official, whether the governor or his or her designee, to make appropriate judgment calls concerning the use of the EAS, including prioritizing and harmonizing the alert

messages that are sent over the system in times of emergency. Such an approach will better ensure the effectiveness and integrity of the system than would a system that permits numerous and competing alerts triggered at the local level.

CONCLUSION

As the Commission seeks to improve the effectiveness of the EAS for all Americans – including non-English speakers or persons with disabilities – it should avoid imposing burdensome new obligations on video providers that are inconsistent with their appropriate role in the EAS.

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