

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: Office of the Secretary

**COMMENTS OF THE ALASKA BROADCASTERS ASSOCIATION AND ALASKA'S
STATE EMERGENCY COMMUNICATIONS COMMITTEE**

The Alaska Broadcasters Association¹ and the State Emergency Communications Committee² (collectively, “Alaska’s Emergency Communicators”), by and through their attorneys, hereby submit comments in response to the Further Notice of Proposed Rulemaking (“Further NPRM”) issued by the Federal Communications Commission (the “Commission” or “FCC”) in the above-captioned proceeding.³

Alaska’s Emergency Communicators, in initial comments filed in 2004 in response to the original notice of proposed rulemaking (the “Initial NPRM”) supported a number of the Commission’s proposals to improve the Emergency Alert System (“EAS”). Alaska’s Emergency Communicators continue to support measures that would shore up systemic vulnerabilities and improve public warning mechanisms.

But, the experience of Alaska’s Emergency Communicators – indeed, the experience of most Alaskans – is that one size rules do not fit all. The Commission must not weigh down the

¹ Alaska Broadcasters Association is a nonprofit organization whose members include commercial and noncommercial radio and television broadcasters throughout Alaska.

² The State Emergency Communications Committee oversees EAS efforts in Alaska, and its members include local Alaska broadcasters and cable system operators, the State of Alaska Division of Homeland Security and Emergency Management, the National Weather Service and the West Coast and Alaska Tsunami Warning Center. The State Emergency Communications Committee is chaired by Alaska broadcasters and cable system operators.

³ 72 Fed.Reg. 62,123 (Nov. 2, 2007); 22 FCC Rcd 13,275.

system in vast and lightly populated places, like Alaska, by imposing uniform federal rules so strict that state and local EAS officials become hamstrung in meeting local needs. In many cases, what works in the northeast corridor will simply hinder rather than help emergency communications in a state as vast and open as Alaska.

The Commission can improve EAS without altering the program's superstructure, which has always relied on state and local interaction to target and maximize effectiveness. Each state government is best placed to make the system work best in its own environment – given the vast array of local government structures across the several states.

As discussed below, in those instances where the superstructure is strengthened, without hindering the localized facing placed upon the superstructure, Alaska's Emergency Communicators support the Commission. In those instances where proposals would cause hindrance, Alaska's Emergency Communicators oppose them.

DISCUSSION

The Alaska's Emergency Communicators are particularly concerned about four facets of the Further NPRM: (A) linguistic requirements;⁴ (B) required text feeds to supplement EAS announcements;⁵ (C) allowing government bodies, below the level of state governor, to initiate mandatory EAS alerts;⁶ and (D) mandatory testing requirements.⁷

A. Linguistic Requirements

In Alaska, more than 20 distinct indigenous native languages flourish.⁸ Some contain significant words and expressions that have yet to be fixed in written form. In the absence of

⁴ Second NPRM at para. 72

⁵ Second NPRM at para. 73

⁶ Second NPRM at para. 74

⁷ Second NPRM at para. 75

⁸ See, e.g., <http://www.uaf.edu/anlc/languages.html> (University of Alaska website).

standard written forms, no technical means exist to translate EAS warnings. Even with human intervention, television stations would face even greater difficulties, as a standard written language is required to provide “crawls” or other purely visual supplementary communications.

This does not mean broadcasters neglect the interests of these communities of indigenous language speakers. Alaska’s broadcasters have traditionally arranged for interpretation provided by speakers of these indigenous languages. But these instances represent situation-specific cases. Unlike Spanish, Cantonese or Navajo, in which written lexicons can be adapted to automated broadcast service, no computer-assisted mechanism is available. This means that one-size-fits-all national standard will simply hinder, rather than assist emergency communications in Alaska.

While the impulse to communicate understandable emergency information is sound, imposition of a national standard will prove problematic in Alaska. The answer, then, is to continue to allow states flexibility to create message maximization strategies specific to local conditions.

Indeed, the Further NPRM takes note of efforts in Florida, Texas and California to improve multilingual emergency communications.⁹ This demonstrates that, for government officials and broadcasters alike, the goal is saving lives and property in times of emergency. But what Texas has done does not necessarily fit the needs of the Alaskan bush – nor would Alaska’s models provide much guidance to Boston’s urban-dwellers. Given vast differences among states and regions, multi-lingual communications maximization is the type of issue traditionally devolved to state and local governments. It should remain that way.

⁹ Second NPRM at para.72.

Therefore, Alaska's Emergency Communicators believe the Further NPRM's proposals to, among other things, mandate designation of EAS multi-lingual stations, while proposed with good intentions, would prove counter-productive. They will diminish, rather than improve emergency alert activities in our state. This traditionally state and local matter should stay a state and local matter – because those closest to the problem have proven that they are best-placed to solve it.

B. Keep Mandatory Alert Powers Solely in the Hands of Governors

Different states afford their governors different powers. Context is the key. Some U.S. states have populations greater than many of the world's countries. They have different governing needs than those with small populations dispersed over wide areas, as is true in much of Alaska. The EAS rubric has traditionally reflected this reality. Locals know their turf and their neighbors, making first-line emergency response inherently local.¹⁰ And given this reality, it would serve no purpose to force every state to adopt an identical rubric.

EAS systems have functioned admirably as a partnership. Imposition, from Washington, of mandatory rules as to which state or local officials can launch an EAS alert, would undermine this partnership. Just as the President has the power reserved to him to determine when to engage EAS in a national emergency, so too should a state's chief executive maintain that power. As with the president, delegations of authority are possible. But they should not be made mandatory.

Alaska's Emergency Communicators know of no instance where alerts not ordered by the Governor were refused by any broadcaster in the state. The voluntary nature of the system

¹⁰ By design, the Federal Government is called upon by state governors to assist in overall emergency response and management. FEMA intervention occurs only after a state's governor requests assistance. *See, e.g.*, 42 U.S.C. Sec. 5191.

imposes a kind of discipline on both local officials and on broadcasters. The broadcasters know that as long as they have the power to refuse, EAS is less-likely to be used inappropriately.

State and local EAS plans reflect local governance structures – and foster checks and balances so that EAS is used appropriately. EAS works best when all constituencies have confidence in it. The current structure for initiating mandatory alerts provides such confidence and no reason exists to change it.

C. Increased Testing

Again, one size does not fit all in a country as diverse and geographically large as the United States. Until the next generation of EAS technology is fully implemented, additional testing mandates would serve little purpose. State and local authorities, responding to their community's life experiences are best placed to determine when and if augmented testing would save lives and protect property better than current practice.

Current mandatory testing procedures can continue to ensure that the underlying system is functional. But beyond that, locals know best what they and their communities need. Alaska's Emergency Communicators propose that if the Commission finds commonality among needs of mainland states demonstrating widespread benefit from increased testing mandates, it should include a waiver provision in any implementing rule. That way, places out of the ordinary, such as Alaska, would be able to justify their local solutions as the best means given unique geographic and demographic patterns.¹¹

¹¹ The recognition of fundamental, physical differences among the states has long been enshrined in FCC regulations. For instance, Alaskan AM stations have long had the ability for authorized rebroadcast of their signals by FM translators, when mainland stations have been unable to do so.

D. Text Feeds

By contrast to proposals threatening micromanagement to the potential detriment of emergency communications, the proposed incorporation of text feeds into EAS alerts appears much more promising. If implemented in way that is mindful of current technological capacity, it will clearly improve the flow of emergency information.

Although, the Further NPRM focuses on the ability of text feeds to increase the amount of timely information available to people with disabilities, the addition of text feed technology to the EAS framework would also make possible delivery of warnings better targeted to specific populations.

In Alaska, for instance, with its profusion of remote villages in tidal areas subject to seismic activity, text feeds could provide village-specific information on broadcast services that otherwise serve diffuse and diverse, often isolated, communities. It would allow those in harm's way to receive clearer warnings – helping mitigate the oft-found confusion over the distinction between a “warning” and a “watch.” Depending on a host of geographic factors, a tsunami, for instance, can affect several villages, all lying within a station's contours, at vastly different times. Text feeds would make it possible to localize warnings – and directly instruct those most at risk to take appropriate precautions.

But in implementing text feed requirements, the Commission must take care so that any rule is not undermined by technological limitations. At present, the main feasible use would be a system that turns text into speech. Through a final rule incorporating sufficient flexibility to account both for technological change and local needs, the Commission could adopt a text feed regime that would enhance safety. But an overly restrictive rule will, through the law of unintended consequences, harm rather than help.

CONCLUSION

Alaska, the Bronx, the Gulf Coast, Tornado Alley and the Southern California all live with different threat realities. Nonetheless, we all share a common trait – as Americans, we are committed to saving lives and protecting property when disaster strikes or threatens to strike. The Federal Government has an important role to play enabling this noble impulse to flourish. But to do that, it must build sufficient flexibility into EAS to ensure that any rule changes affirm rather than straightjacket local efforts. Only by strengthening the framework and, at the same time, allowing each state to put its own facing upon that framework will EAS perform best.

For all the reasons stated, the Alaska Broadcasters Association and Alaska's State Emergency Communications Committee hereby request that the Commission limit its further rulemaking here to establishment of the kind of text feeds described above. Other proposals herein discussed, if implemented, will prove counterproductive and the Commission should resist the impulse to focus regulation on the vast middle, remembering that the needs and experiences of those who live at the frontiers can prove vastly different.

Respectfully Submitted,

**ALASKA BROADCASTERS ASSOCIATION
STATE EMERGENCY COMMUNICATIONS COMMITTEE**

By: 

Frank R. Jazzo
Michael W. Richards
Their Counsel

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
11th Floor
Arlington, VA 22209
703-812-0400

December 3, 2007