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

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

To the Commission

JOINT COMMENTS ON THE MULTILINGUAL BROADCASTING ISSUES RAISED IN THE FURTHER NOTICE OF PROPOSED RULEMAKING

The Independent Spanish Broadcasters Association ("ISBA"), the Office of Communication of the United Church of Christ, Inc. ("OC, Inc."), the Minority Media and Telecommunications Council ("MMTC"), the National Association of Broadcasters ("NAB") and the Florida Association of Broadcasters ("FAB") (collectively, "Joint Commenters") respectfully submit these Comments in response to the multilingual broadcasting issues raised in the *Second Report and Order and Further Notice of Proposed Rulemaking* ("*FNPRM*") in the above-captioned proceeding.[1]

In the *FNPRM*, the Commission sought comment on how non-English speakers can be assured of receiving information in an emergency:

> *Non-English Speakers*. We recognize the need for *all* Americans – including those whose primary language is not English – to be alerted in the event of an emergency. We therefore seek comment on how non-English speakers may best be served by national, state and

[1] *Review of the Emergency Alert System (Second R&O and Further NPRM)*, 22 FCC Rcd 13275 (2007), 47 FR 62195 (November 2, 2007) ("*FNPRM*"). These Joint Comments represent the institutional views of each of the Joint Commenters as opposed to the individual views of each of the respective Joint Commenters' members, directors, officers or advisors.

> local EAS. In particular, we invite comment on how localities with non-English speakers should be identified. In which markets should special emergency alert rules apply? As MMTC *et al.* propose, should state and local EAS plans designate a "Local Primary Multilingual" station to transmit emergency information the relevant foreign language in local areas where a substantial proportion of the population has a fluency in a language other than English? How should we quantify the "substantial proportion"? Should at least one broadcast station in every market, or some subset of markets, be required to monitor and rebroadcast emergency information carried by a "Local Primary Multilingual" station. And, should stations that remain on the air during an emergency be required to broadcast emergency information in the relevant foreign language to the extent that the "Local Primary Multilingual" station loses transmission capability. What criteria should the originator of an EAS message use in determining which languages to require EAS Participants to transmit? Should more than two languages be transmitted in certain areas? We seek comments on the technical, economic, practical, and legal issues, including the Commission's authority, involved in making emergency information accessible to persons whose primary language is not English. We would especially welcome comments on state-level or other efforts designed to address these issues. We note, for example, that Florida has implemented a program to promote the provision of emergency information to non-English speakers in that state, and that California and Texas have addressed the issue in their EAS plans filed with this Commission. We direct the Public Safety and Homeland Security Bureau to convene a meeting – or series of meetings – as soon as possible concerning EAS as it relates to the needs of non-English speakers. The Bureau should thereafter submit into the record a progress report on these discussions within 30 days of this Order's release.[2]

Recognizing that time is of the essence, the Commission added that "[g]iven the importance of these issues, we intend to issue an order addressing [them] within six months.[3]

As specified in the *FNPRM*,[4] on June 14, 2007 the Public Safety and Homeland Security Bureau convened a meeting of stakeholders ("Stakeholders Meeting") that included each of the Joint Commenters. On September 13, 2007, the Chief of the Bureau provided the Commission with report on the Stakeholders Meeting.[5] The Stakeholders Meeting focused on the "designated hitter" approach, "which ensures that area broadcasters operate to ensure that broadcasters

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[2] *FNPRM*, 22 FCC Rcd at 13306-07 ¶72 (fns. omitted; emphasis in original).

[3] *Id*. at 13307 n. 220.

[4] *Id*. at 13307 ¶72.

[5] *See* Letter to Marlene H. Dortch, Secretary, Federal Communications, from Derek K. Poarch, Chief, Public Safety and Homeland Security Bureau, EB Docket 04-296, August 13, 2007 ("Poarch August 13, 2007 Letter").

disabled during an emergency can rely on other EAS Participants to disseminate emergency information, including information in languages other than English."[6]

In the wake of the Stakeholders Meeting, the Joint Commenters have engaged in discussions aimed at crafting a joint industry-public interest group plan, based on the "designated hitter" paradigm. The Joint Commenters believe such a plan could resolve essentially all of the multilingual communications issues in this proceeding. A consensus plan has been drafted and the Joint Commenters are working toward agreement.[7] The Joint Commenters will convene this month and, thereafter, will report to the Commission on their progress.

Respectfully submitted,

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[6] Poarch August 13, 2007 Letter at 1.

[7] The draft focuses on the structure of a multilingual emergency broadcasting plan that would encompass both EAS alerts and emergency information; the media outlets, markets, and languages to be covered by such a plan; the stations that would provide multilingual information; the means of noticing the activation or deactivation of the plan, and a host of technical, economic, practical and legal issues regarding the plan's implementation.

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