

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

REPLY COMMENTS OF EHOSTAR SATELLITE L.L.C.

The comments in this proceeding demonstrate an industry-wide commitment to a vibrant, efficient, and effective EAS system. The value in the ends sought is not disputed. Rather, there is legitimate concern with the means suggested to reach those ends. The Commission seeks “effective and efficient” solutions to the issues raised in this proceeding.¹ Resoundingly, the commenters agree. Improvements in the EAS system are welcome as long as the costs and burdens imposed are balanced and respectful of technological and operational constraints.

Commenters agree that EAS message originators should be responsible for creation of all content.² EAS equipment has been designed to operate as a “conduit” passing through content

¹ *Review of the Emergency Alert System & Independent Spanish Broadcasters Association, the Office of Communications of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief*, Second Report and Order and Further Notice of Proposed Rulemaking, FCC 07-109, ¶¶ 2, 66 (May 31, 2007) (“Second Report and Order” or “FNPRM”).

² *See* Comments of XM Radio Inc. and Sirius Satellite Radio Inc., EB Docket No. 04-296, at 5-6 (Dec. 3, 2007) (“XM/Sirius”); Comments of DIRECTV, EB Docket No. 04-296, at 2 (Dec. 3, 2007); Comments of AT&T, EB Docket No. 04-296, at 6 (Dec. 3, 2007); Comments of Sage Alerting Systems, Inc., EB Docket No. 04-296, at 1 (Dec. 3, 2007) (“Sage”); *see* Comments of Ohio, Virginia, and North Carolina Association of Broadcasters, EB Docket No. 04-296, at 3 (Dec. 3, 2007) (“Ohio, *et al* Broadcasters”).

that is sent to it from the EAS message originator.³ NCTA details that the EAS equipment “has no capability to reformat, modify or translate messages.” *See* NCTA at 7. Verizon correctly explains that “any deviation from [acting as a conduit] – 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.”⁴

By imposing content-creation requirements only on the message originator, EAS participants are able to focus their efforts on what they do best – delivery of such content to the public. Indeed, commenters in this proceeding indicate that improvements in the current EAS system are achievable through the existing EAS infrastructure if enhancements were made during the content creation process. For example, XM and Sirius can provide subscribers with national, multilingual EAS alerts, if provided in such format, over the corresponding foreign-language channels. *See* XM/Sirius at 5-6. Similarly, EchoStar can offer dual stream EAS audio, in English and Spanish, on channels in which dual audio is available today. As explained in our opening comments, dual audio is superior to other means to display multilingual content, *i.e.* scrolling.⁵

More intrusive proposed enhancements to the EAS structure should not be mandated at this time. National, multilingual EAS messages are logistically complicated because of technology barriers, diversity of languages spoken, and concerns with efficiency and accuracy.⁶ Having

³ *See* Comments of National Cable and Telecommunications Association, EB Docket No. 04-296, at 7 (Dec. 3, 2007) (“NCTA”); AT&T at 6; Sage at 1; Ohio, *et al* Broadcasters at 3.

⁴ *See* Comments of Verizon, EB Docket No. 04-296, at 3 (Dec. 3, 2007).

⁵ *See* XM/Sirius at 7 (explaining that scrolling of multilingual messages will hurt the effectiveness of the EAS system); EchoStar at 2.

⁶ *See* Comments of TFT, Inc., EB Docket No. 04-296, at 3 (Dec. 3, 2007); NCTA at 9; Comments of National Warning Corporation, EB Docket No. 04-296, at 5 (Dec. 3, 2007).

large-scale translation handled by any entity other than the message originator would undermine the “turnkey” benefits of the system, reducing efficiency and introducing opportunities for error to creep into the system. Moreover, multilingual translation would have to occur manually, as “the state of the art of automated language translation is [not] sufficient to allow machine translation of emergency messages.” *See Sage* at 2. Even if EAS messages were provided in multiple languages by the message originator, many communications systems simply do not have the capacity to carry EAS messages in multiple languages. Nor should the Commission seriously consider National Warning Corporation’s request for inclusion of “E-Chip” in all consumer electronic devices, because there is no evidence that such a costly and intrusive obligation is necessary, or that the current system requires such a dramatic overhaul. *See National Warning Corporation* at 2.

In sum, the Commission should continue to explore way to enhance EAS alerts by utilizing the features and functionalities of existing delivery systems. The ability to delivery Spanish language alerts – in addition to English language alerts – on those channels that support dual audio could enhance and expand the reach of the EAS system to Spanish-speaking communities.

Respectfully submitted,

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December 17, 2007