

**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)	
)	
Review of the Emergency Alert System)	EB Docket No. 04-296
)	
Independent Spanish Broadcasters)	Filed September 20, 2005
Association, the Office of Communication of)	(not docketed)
the United Church of Christ, Inc., and the)	
Minority Media and Telecommunications)	
Council, Petition for Immediate Relief)	

To the Commission

REQUEST TO DEFER ACTION ON MULTILINGUAL ISSUES

The Independent Spanish Broadcasters Association (“ISBA”), the Office of Communication of the United Church of Christ, Inc. (“UCC”) and the Minority Media and Telecommunications Council (“MMTC”) respectfully request the Commission to defer action on the multilingual broadcasting issues in the *Second Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 13275, 13307 ¶72 (2007) until December 31, 2008.

On December 3, 2007, in Joint Comments, the National Association of Broadcasters (“NAB”), Florida Association of Broadcasters (“FAB”), ISBA, UCC and MMTC reported that they had been in discussions “aimed at crafting a joint industry-public interest group plan” that “could resolve essentially all of the multilingual communications issues in this proceeding.”

All parties to those discussions are in agreement that multilingual populations deserve radio service in emergencies, and that in order to better understand the practical and cost issues associated with providing this service, a test would be desirable. We are happy to report that ISBA, MMTC and UCC, with input from the NAB and FAB, have developed a “Trial Plan for Universal Emergency Broadcasting” (“Test Plan”), a copy of which is attached. The NAB, FAB

and other broadcast organizations will cooperate in effectuating the Test Plan. The Test Plan will cover approximately 20 radio markets and will take place during 2008 hurricane season -- August through October 2008. In July 2008, three planning conferences will be held for broadcasters participating in the test. Officials of the PSHS Bureau and Media Bureau, the Department of Homeland Security, NOAA, NWS, and governors and state emergency officials will be invited to participate in the planning conferences. During the test, selected broadcasters will voluntarily provide multilingual broadcasts attendant to emergencies such as hurricanes. Further, the participants in the test will consider the practicability of deploying a portable, temporary radio station on the frequency of a multilingual station that has been taken off the air during an emergency.

An evaluation of the test will be completed in November 2008. Once it has had an opportunity to review the evaluation, it would be appropriate for the Commission to take action on the multilingual issues in these dockets. Therefore, with the consent of the NAB and FAB, we respectfully request the Commission to defer action on the multilingual issues until December 31, 2008.

Respectfully submitted,

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June 5, 2008

Attachment

TRIAL PLAN FOR UNIVERSAL EMERGENCY BROADCASTING

**Presented by the Independent Spanish Broadcasters Association,
the Office of Communication of the United Church of Christ,
Inc. and the Minority Media and Telecommunications Council**

June 5, 2008

In an emergency, every person living within our nation's boundaries, regardless of his or her primary language, deserves to have information available on how to increase the chances of survival and safety.

Over the past several months, ISBA, UCC and MMTC have been in collaborative discussions with the National Association of Broadcasters ("NAB") and Florida Association of Broadcasters ("FAB") and others regarding our proposed Universal Emergency Broadcasting Plan ("UEB Plan"). Because operational and cost issues remain unresolved, the parties to these discussions have not yet been able to agree upon a framework for universal emergency broadcasting.

Resolution of the operational and cost issues would be facilitated by a market test of the UEB paradigm. We propose that such a test (the "2008 UEB Test") be conducted during the 2008 hurricane season. In light of the need to undertake and evaluate the 2008 UEB Test, we have this day requested the Commission to withhold further action on the multilingual issues in EB Docket 06-119 and EB 04-296 until December 31, 2008. NAB and FAB staff have authorized us to state that, subject to approval of their boards, they will cooperate in effectuating the 2008 UEB Test presented here. An expert in multilingual emergency operations communication will be engaged to assist all parties in performing the test, and, subject to the need to obtain internal approvals, the NAB will undertake to arrange for compensating the expert should the expert require compensation.

I. The Universal Emergency Broadcasting (UEB) Plan Paradigm

Recent discussion of the public's need for emergency broadcasting has arisen in the limited context of the Emergency Alert System (EAS) and the underlying Part 11 EAS regulations. In most states, EAS can only be activated by the President or by a governor. In fact, the EAS system has only been activated once for hurricanes by the Florida Emergency Operations Center pursuant to the Governor's authorization.¹

However, local broadcast stations provide local emergency information covering three distinct periods – pre-storm, during the storm and post-storm. Pre-storm, all local broadcasters provide emergency information to these communities. During the storm, these broadcasts continue, but as electricity goes out, people often shift to radio. Many radio stations have pre-arranged broadcast agreements with TV stations. Post-storm, those stations whose technical facilities allow and that have power (from utilities or generators) continue broadcasting local emergency information for days or even weeks.

¹ This happened in 2006 when Hurricane Charley took an unexpected sharp turn right before making landfall in Florida. It is important to recognize that EAS messages are provided to broadcast stations, and thus should include multi-language messages.

Therefore, understanding that the need for information goes beyond governmental authority over EAS, this consensus proposal discusses both EAS alerts and local emergency information broadcast over local radio and television stations. This paradigm is designated a Multilingual Emergency Broadcasting Plan (“UEB Plan”).

II. The 2008 UEB Test

To evaluate the efficacy and cost of a potential FCC-authorized UEB Plan, all commercial, noncommercial and LPFM radio stations in 20 markets would be invited to participate in the 2008 UEB Test. The markets are located in the Gulf Coast and South Atlantic states, which are most prone to hurricanes. Participation in the 2008 UEB Test would be voluntary, and we would ask the PSHS Bureau, the Media Bureau, the NAB, and the state broadcast associations in the test states to encourage radio stations to participate. The 2008 UEB Test would take place from August 1 through October 31, 2008.

The 2008 UEB Test Markets were identified by MMTC using data in BIA’s 2008 Market Report and other sources.² Each of the 20 Test Markets has these attributes:

1. The market has at least one “Covered Language.” The ISBA/UCC/MMTC proposed definition of a “Covered Language is a language whose speakers comprise over 5% of the MSA population, or constitute at least 50,000 persons.³
2. The market has fewer than two radio stations with full market coverage⁴ that, in an emergency, could broadcast day and night in a Covered Language.⁵

The Test Markets, and the respective Covered Languages, are:⁶⁷

² Applying the ISBA/UCC/MMTC definition of a Covered Language, MMTC has tentatively concluded that there are presently no markets in Alabama, Mississippi, Puerto Rico or the U.S. Virgin Islands in need of a UEB Plan for any Covered Language.

³ One of the issues that will be examined under the test is whether this 5%/50,000 threshold is appropriate.

⁴ Evaluation of the UEB Test contemplated herein will consider whether redundancy considerations might militate in favor having a UEB Plan for markets that have more than two full market coverage stations broadcasting a Covered Language. The parties agree that signal coverage of Covered Language populations is vital, and that to achieve such signal coverage, a full market signal may be necessary.

⁵ If a market contains at least two stations broadcasting in a Covered Language with full market daytime coverage, and the stations presently broadcast with full market coverage at night with a pre-authorized emergency STA, that market is not included on this list for that Covered Language. The markets with these attributes, and their Covered Languages, are: Amarillo, TX (Spanish), Charlotte-Gastonia-Rock Hill, NC-SC (Spanish), Fayetteville, NC (Spanish), and New Orleans (Spanish). We will ask the Media Bureau to encourage stations in Covered Languages to seek pre-authorized full market nighttime emergency STAs.

⁶ A daytime-only AM station, or one with reduced nighttime power, may be eligible in an emergency to receive a pre-authorized STA for nighttime full market coverage. The station licensee should informally confer with the Mass Media Bureau and consider pre-approval of STA requests.

1. Bryan-College Station, TX (Spanish)
2. Daytona Beach, FL (Spanish)
3. Ft. Walton Beach, FL (Spanish)
4. Gainesville-Ocala, FL (Spanish)
5. Hilton Head, SC (Spanish)
6. Houston-Galveston, TX (Chinese, Vietnamese)
7. Jacksonville, FL (Spanish)
8. Killeen-Temple, TX (Spanish)
9. Lufkin-Nacogdoches, TX (Spanish)
10. Melbourne-Titusville-Cocoa, FL (Spanish)
11. Miami-Ft. Lauderdale-Hollywood, FL (Haitian Creole)
12. New Orleans, LA (Vietnamese)
13. Raleigh-Durham, NC (Chinese)
14. Rocky Mount-Wilson, NC (Spanish)
15. San Angelo, TX (Spanish)
16. Sarasota-Bradenton, FL (Spanish)
17. Tallahassee, FL (Spanish)
18. Texarkana, TX-AR (Spanish)
19. The Florida Keys, FL (Spanish)
20. West Palm Beach-Boca Raton, FL (Spanish, Haitian Creole)

Representatives of each participating station would attend one of three Planning Conferences to be held in early July 2008.⁸ Stations in other markets in the target states and territories would be invited as well.⁹ To avoid the need for overnight accommodations and otherwise minimize expenses, the Planning Conferences would be held as one-day fly-ins, at three easy-to-reach locations. The following team of facilitators would convene each Planning Conference:¹⁰

- An NAB staff member with EAS subject matter expertise
- Staff members of the FCC's PSHS Bureau and Media Bureau
- Representatives from state broadcasters associations
- Local station personnel broadcasting in the Covered Languages
- An expert with proficiency in multilingual and emergency operations communications (the "Multilingual Broadcasting Expert")
- Representatives from state and local emergency management authorities
- Representatives from the Federal Emergency Management Agency ("FEMA")

⁷ The parties will continue to review this list.

⁸ To further reduce expenses, a group-owned station could send a representative from its headquarters staff, and independently owned stations could collaboratively designate a representative who would hold their proxies.

⁹ These states and territories are Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Puerto Rico and the U.S. Virgin Islands.

¹⁰ Representatives of Department of Homeland Security, NOAA, the National Weather Service and of the governors and state emergency officials in Florida, Louisiana, North Carolina, South Carolina and Texas, would also be invited to participate in the Planning Conferences.

At the Planning Conferences, a 2008 UEB Test Plans for August through October 2008 would be developed collaboratively for each of the 26 Test Markets. The agendas for the Planning Conferences would cover:

A. Universal Emergency Broadcasting (UEB) Review and Discussion (Plenary Session)

1. Review of EAS and emergency broadcasting policy and regulations, including triggering of emergency announcements, procedures for obtaining pre-authorized Special Temporary Authority (“STAs”) in emergencies, and broadcasters’ and the FCC’s use of emergency procedures and protocols even in the absence of an EAS notification by DH or state authorities.
2. A review of sources of fuel and wireless communications available after storms or other emergencies.
3. Presentation and discussion of model emergency announcements and recordings in multiple languages (the “Generic Programming”).

B. Designing UEB Test Plans for each Market (Breakout Sessions)

1. Designation of a “Local Primary Multilingual” (“LPM”) station for each Covered Language in each market; these stations would transmit official EAS warnings in those languages.
2. Consensus decisions on a Designated Hitter queue for each Covered Language in each market, under which, if the LPM station in a Covered Language goes off the air in an emergency, another station (the “Designated Hitter Station” or “DH”) would take its place and provide EAS warnings and emergency information in the Covered Language.
3. Discussion of potential voluntary arrangements among radio stations in a Test Market to fill in with Covered Language service on air if both the LPM and DH stations go off the air.
4. Selection of a Multilingual EAS Coordinator (most likely a senior engineer) in each market to facilitate the activation of the DH queue.
5. Arrangements to regularly run Public Service Announcements (“PSAs”) advising Covered Language audiences on which radio stations to tune in if there is an emergency, and arrangements for the production of in-language model PSAs and PSA fill-in forms for this purpose.

C. Operation and Evaluation of Market Tests (Plenary Session)

1. Consideration of the Multilingual Emergency Operations Communications Expert producing content desired by LPM and DH stations, including user-friendly scripts, in Covered Languages, suitable for broadcast or adaptation and supplementation in emergencies (the “Tailored Programming”).
2. Arrangements to regularly run PSAs advising Covered Language audiences on which stations to tune in if there is an emergency.
3. Arrangements to test multilingual programming on the LPM and DH stations.

4. Evaluation of the 2008 UEB Test, focusing on (a) the mechanics of a potential FCC-authorized UEB Plan; (b) broadcasters' implementation costs and a budget for a potential federal appropriation to cover the costs of a UEB Plan.¹¹

III. The Multilingual Broadcasting Expert

It is anticipated that the Multilingual Broadcasting Expert would perform these services:

- Development, production and distribution of multilingual radio spots and programs suitable for airing in emergencies (the "Generic Programming") (June 2008)
- Coordination and facilitation of the Planning Conferences (to be held in early July 2008)
- Development, production and distribution of multilingual spots and programs if requested by broadcasters for particular markets (the "Tailored Programming") (to be completed before August 1, 2008)
- Consulting with Multilingual EAS Coordinators in each Test Market during the test (August 1-October 31, 2008).

IV. Alternative Broadcast Emergency Service ("Radio in a Box", or "RIB")

The FCC, the broadcasting industry and the Department of Homeland Security should immediately investigate the feasibility of providing pre-positioned portable radio stations that can be moved into areas after a storm to temporarily operate as substitutes for radio stations, particularly broadcasting in Covered Languages on an STA basis.¹² The estimated costs for such an FM RIB is approximately \$200,000, including a truck and generator.¹³ Pre-storm engineering could be performed from multiple locations to determine power levels to cover the Covered Language population, and contingent STAs could be pre-reviewed by the Media Bureau. The existing licensee of the LPM or DH station could be responsible for the operation and staffing of the RIB until such time as the LPM or DH station is back on the air.

* * * * *

¹¹ The evaluation would focus on readiness in all markets, as well as performance of the UEB procedures should an actual emergency (such as a hurricane) force an LPM station off the air. ISBA, UCC, MMTC, the NAB and the FAB would perform the evaluation jointly and collaboratively.

¹² The cellular industry has adopted the use of COWs (Cellular on Wheels) for similar purposes.

¹³ Clear Channel currently has one emergency FM truck in operation and available to be moved to its stations.